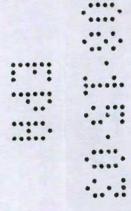
Registration Jacket 72007-1 Volume 2

Spray Diameter: Measure spray pattern at six different distances (5,10, 15, 20, 25, 30, 35 feet). Spray large sheet of white paper at different ranges and measure the spray pattern residue on the paper. Measure the spray pattern residue vertically and horizontally. To be recorded on video.

Spray pattern at distance (ft)	height	width	avg. dia
Spray pattern at 5 feet	30	21	22.5
Spray pattern at 10 feet	66	45	55.5
Spray pattern at 15 feet	90	55	72.5
Spray pattern at 20 feet	96	108	102
Spray pattern at 25 feet	91	105	98
Spray pattern at 30 feet	91	114	102.5
Spray pattern at 35 feet	92	123	107.5



BEAR SPRAY TEST

MK-9 SPRAY PATTERN DIMENSIONS AT DISTANCE

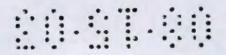
380 gram

10-Jul-03

SPRAY DISTANCE IN FEET	HEIGHT(in)	WIDTH(in)	AVE DIAMETER(in)	TEMP
5 FEET	30	21	25.5	80
10 FEET	56	45	55.5	80
15 FEET	90	55	72.5	80
20 FEET	96	108	102	80
25 FEET	91	105	98	80
30 FEET	91	114	102.5	80
35 FEET	92	123	107.5	80

SPRAY DURATION (seconds)

	#1	#2	#3	AVE
STANDARD NOZZLE	7.13	6.7	7.67	7.17



BEAR SPRAY TEST

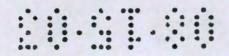
UDAP PEPPER POWER

180 gram

SPRAY PATTERN DIMENSIONS AT DISTANCE

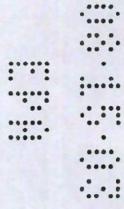
10-Jul-03

SPRAY DISTANCE IN FEET	HEIGHT(In)	WIDTH(In)	AVE DIAMETER(in)	TEMP
5 FEET	27	20	23.5	80
10 FEET	60	48	54	80
15 FEET	56	50	53	80
20 FEET	84	90	87	80
25 FEET	90	107	98.5	80
30 FEET	90	123	108.5	80
35 FEET	100	130	115	80
	SPRAY DURATION	(seconds)		
	#	#2	#3	AVE
TANDARD NOZZLE	3.62	3.67	3.87	3.72
RED NOZZLE	3.8	3.7	5.2	4.23



Defense Technology / Federal Laboratories 1850 S. Loop Rd Casper, Wyoming 82601

> 2% Major Capsaicinoid Bear Repellent Formula Spray Patten Tests



Defense Technology / Federal Laboratories 1850 S. Loop Rd Casper, Wyoming 82601

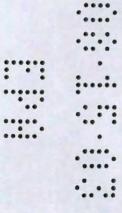
2% Major Capsaicinoid Bear Repellent Formula Spray Patten Tests

On 07-10-03 Defense Technology conducted testing to determine spray pattern dimensions at varying distances, duration of can output-measured in seconds, and maximum range.

The test was conducted at the Neosho test range in Casper, Wyoming, by the Research and Development Department.

This packet contains the protocols, diagrams, equipment list and result of the testing.

Questions or comments should be directed to Karl Scholz at (307) 235-2136 or faxed to 1-(307) 473-2713



Defense Technology / Federal Laboratories

07-10-03 Spray Pattern Test Protocol

Objective:

To identify the following spray pattern characteristics for the Guardians 2% Capsaicinoid Bear repellent and Defense Technology's MK-9 Bear repellent: Range, Height of Pattern, Width of Pattern, and Duration of Spray-all to be recorded on video.

Record environmental conditions:

Wind speed: n/a-- interior test range (wind < 3mph)

Temperature: Use thermometer

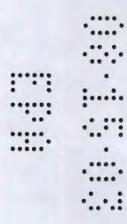
Spray pattern Testing: Operator will not shake cans unduly before spraying.

Spray Diameter: Measure spray pattern at six different distances (5,10, 15, 20, 25, 30, 35 feet). Spray large sheet of whiter paper at different ranges and measure the spray pattern residue on the paper and measure the spray pattern residue vertically and horizontally. To be recorded on video.

Maximum effective range: Large test target at white paper at 35 feet to record Maximum Range. To be recorded on video.

Spray Duration: Operator will hold a stopwatch in one hand and a can in the other. Operator will press the button on the stopwatch and the aerosol actuator at the same time. Operator will spray continuously until can ceases to deliver a useable pattern. To be recorded on video.

Operator will write report on observations and supply video for supporting evidence.



July 16, 2003

Spray Pattern Test Equipment List

Equipment:

White freezer paper

Shipping Tape

Tape Measure

Video Cameras

Large surface for end of pattern tests

Stopwatch

Signs with range distances on them

VCR tapes

Allen wrench for FM head

Extra FM heads

Live cans

Tinsel

Staple gun

Extra staples

Rags

Rubber gloves

Extra clothes

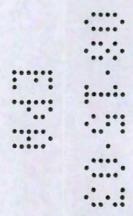
Dawn detergent

Extra shoes

Thermometer

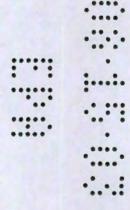
Gas mask

Plywood backing



Record Spray Duration (in seconds): Operator will hold a stopwatch in one hand and a can in the other. Operator will press the button on the stopwatch and the aerosol actuator at the same time. Operator will spray continuously until can ceases to deliver a useable pattern. To be recorded on video.

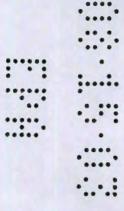
Cau size in grams	1st test (sec)	2 nd Test (sec)	3 rd test (sec)	Ave
180 gram	3.62	3.67	3.87	3.72
380 gram	7.43	6.70	7.67	7.26



UDAP Pepper Power 180 grams

Spray Diameter: Measure spray pattern at six different distances (5,10, 15, 20, 25, 30, 35 feet). Spray large sheet of white paper at different ranges and measure the spray pattern residue on the paper. Measure the spray pattern residue vertically and horizontally. To be recorded on video.

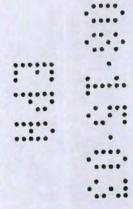
Spray pattern at distance (ft)	beight	width	avg. dia
Spray pattern at 5 feet	27	20	23.5
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Spray pattern at 15 feet	56	50	53
Spray pattern at 20 feet	84	90	87
Spray pattern at 25 feet	90	107	98.5
Spray pattern at 30 feet	90	123	106.5
Spray pattern at 35 feet	100	130	115



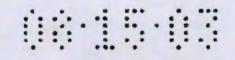
Defense Technology MK-9 380 Gram

Spray Diameter: Measure spray pattern at six different distances (5,10, 15, 20, 25, 30, 35 feet). Spray large sheet of white paper at different ranges and measure the spray pattern residue on the paper. Measure the spray pattern residue vertically and horizontally. To be recorded on video.

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Spray pattern at 20 feet	96	108	102
Spray pattern at 25 feet	91	105	98
Spray pattern at 30 feet	91	114	102.5
Spray pattern at 35 feet	92	123	107.5



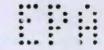
BEAR SPRAY TEST



MK-9

SPRAY PATTERN DIMENSIONS AT DISTANCE

380 gram

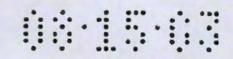


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10 FEET	66	45	55.5	80
15 FEET	90	55	72.5	80
20 FEET	96	108	102	80
25 FEET	91	105	98	80
30 FEET	91	114	102.5	80
35 FEET	92	123	107.5	80
	SPRAY DURATION	(seconds)		

	SPRAY DURATION	SPRAY DURATION (seconds)					
	#1	#2	#3	AVE			
STANDARD NOZZLE	7.13	6.7	7.67	7.17			

BEAR SPRAY TEST

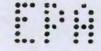


UDAP PEPPER POWER

180 gram

SPRAY PATTERN DIMENSIONS AT DISTANCE

10-Jul-03



SPRAY DISTANCE IN FEET	HEIGHT(In)	WIDTH(in)	AVE DIAMETER(in)	TEMP
5 FEET	27	20	23.5	80
10 FEET	60	48	54	80
15 FEET	56	50	53	80
20 FEET	84	90	87	80
25 FEET	90	107	98.5	80
30 FEET	90	123	106.5	80
35 FEET	100	130	115	80
	SPRAY DURATION	(seconds)		
	#1	#2	杉	AVE
TANDARD NOZZLE	3.62	3.67	3.87	3.72
ED NOZZI E	38	37	52	4 23

Defense Technology / Federal Laboratories 1850 S. Loop Rd Casper, Wyoming 82601

> 2% Major Capsaicinoid Bear Repellent Formula Spray Patten Tests

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Defense Technology / Federal Laboratories 1850 S. Loop Rd Casper, Wyoming 82601

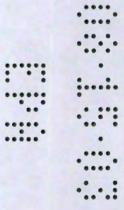
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The test was conducted at the Neosho test range in Casper, Wyoming, by the Research and Development Department.

This packet contains the protocols, diagrams, equipment list and result of the testing.

Questions or comments should be directed to Karl Scholz at (307) 235-2136 or faxed to 1-(307) 473-2713



Defense Technology / Federal Laboratories

07-10-03 Spray Pattern Test Protocol

Objective:

To identify the following spray pattern characteristics for the Guardians 2% Capsaicinoid Bear repellent and Defense Technology's MK-9 Bear repellent: Range, Height of Pattern, Width of Pattern, and Duration of Spray-all to be recorded on video.

Record environmental conditions:

Wind speed: n/a-- interior test range (wind < 3mph)

Temperature: Use thermometer

Spray pattern Testing: Operator will not shake cans unduly before spraying.

Spray Diameter: Measure spray pattern at six different distances (5,10, 15, 20, 25, 30, 35 feet). Spray large sheet of whiter paper at different ranges and measure the spray pattern residue on the paper and measure the spray pattern residue vertically and horizontally. To be recorded on video.

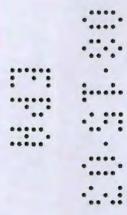
Maximum effective range: Large test target at white paper at 35 feet to record Maximum Range. To be recorded on video.

Spray Duration: Operator will hold a stopwatch in one hand and a can in the other.

Operator will press the button on the stopwatch and the aerosol actuator at the same time.

Operator will spray continuously until can ceases to deliver a useable pattern. To be recorded on video.

Operator will write report on observations and supply video for supporting evidence.



July 16, 2003

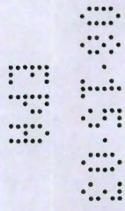
Spray Pattern Test Equipment List

Equipment:

Extra shoes Thermometer Gas mask

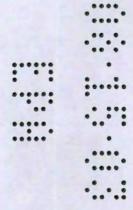
Plywood backing

White freezer paper Shipping Tape Tape Measure Video Cameras Large surface for end of pattern tests Stopwatch Signs with range distances on them VCR tapes Allen wrench for FM head Extra FM heads Live cans Tinsel Staple gun Extra staples Rags Rubber gloves Extra clothes Dawn detergent



Record Spray Duration (in seconds): Operator will hold a stopwatch in one hand and a can in the other. Operator will press the button on the stopwatch and the aerosol actuator at the same time. Operator will spray continuously until can ceases to deliver a useable pattern. To be recorded on video.

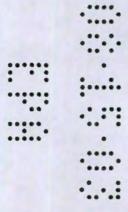
Can size in grams	1st test (sec)	2 nd Test (sec)	3 rd test (sec)	Ave
180 gram	3.62	3.67	3.87	3.72
380 gram	7.43	6.70	7.67	7.26



UDAP Pepper Power 180 grams

Spray Diameter: Measure spray pattern at six different distances (5,10, 15, 20, 25, 30, 35 feet). Spray large sheet of white paper at different ranges and measure the spray pattern residue on the paper. Measure the spray pattern residue vertically and horizontally. To be recorded on video.

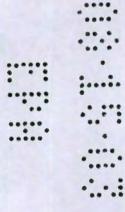
Spray pattern at distance (ft)	height	width	avg. dia
Spray pattern at 5 feet	27	20	23.5
Spray pattern at 10 feet	60	48	54
Spray pattern at 15 feet	56	50	53
Spray pattern at 20 feet	84	90	87
Spray pattern at 25 feet	90	107	98.5
Spray pattern at 30 feet	90	123	106.5
Spray pattern at 35 feet	100	130	115



Defense Technology MK-9 380 Gram

Spray Diameter: Measure spray pattern at six different distances (5,10, 15, 20, 25, 30, 35 feet). Spray large sheet of white paper at different ranges and measure the spray pattern residue on the paper. Measure the spray pattern residue vertically and horizontally. To be recorded on video.

pray pattern at distance (ft)	height	width	avg. dia
pray pattern at 5 feet	30	21	22.5
pray pattern at 10 feet	66	45	55.5
oray pattern at 15 feet	90	55	72.5
ray pattern at 20 feet	96	108	102
ray pattern at 25 feet	91	105	98
ray pattern at 30 feet	91	114	102.5
oray pattern at 35 feet	92	123	107.5



BEAR SPRAY TEST

MK-9

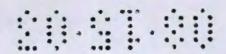
380 gram

SPRAY PATTERN DIMENSIONS AT DISTANCE

10-Jul-03

SPRAY DISTANCE IN FEET	HEIGHT(in)	WIDTH(in)	AVE DIAMETER(in)	TEMP
5 FEET	30	21	25.5	80
10 FEET	66	45	55.5	80
15 FEET	90	55	72.5	80
20 FEET	96	108	102	80
25 FEET	91	105	98	80
30 FEET	91	114	102.5	80
35 FEET	92	123	107.5	80
	SPRAY DURATION	N (seconds)		
	#1	#2	#3	AVE
TANDARD NOZZLE	7.13	6.7	7.67	7.1

	SPRAT DURATION (seconds)						
	#1	#2	#3	AVE			
STANDARD NOZZLE	7.13	6.7	7.67	7.17			



BEAR SPRAY TEST

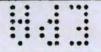
UDAP PEPPER POWER

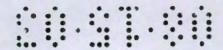
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15 FEET	56	50	53	80
20 FEET	84	90	87	80
25 FEET	90	107	98.5	80
30 FEET	90	123	106.5	80
35 FEET	100	130	115	80
	SPRAY DURATION	(seconds)		
	#1	#2	彩	AVE
TANDARD NOZZLE	3.62	3.67	3.87	3.72
ED NOZZLE	3.8	3.7	5.2	4.23





Appendix D

August 11, 2003

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

RE: Data supporting the registration of a 180-gram canister of UDAP Pepper Power Bear Deterrent

Mr. Daniel B. Peacock

For several years, UDAP Industries Inc. has been compiling information whenever possible to support the registration of a 6.3oz 180g canister of bear deterrent. We have data that will show this canister is large enough and has enough force to deter an aggressively charging or attacking bear. As you are aware, UDAP Industries Inc. has an ongoing research project to acquire true accounts of UDAP Pepper Power Bear Deterrent stopping bears from charging or attacking. Through this research, we have received the following results.

UDAP Industries Inc. has requested the actual cans back used in stopping aggressive bears. The canisters have been weighed in comparison to full unused canisters. Not one case has there been more than 172g of bear spray used to stop a charge or an attack with our product to our knowledge. The incident with Eric Berg, that used this amount, was under extreme circumstances. The incident had three bears involved in the charge with severe crosswinds. The customer had to spray multiple times and was still able to deter all three bears without receiving any injury. In many cases, more than half the can was still full. This was the case with Dave Wood spraying an attacking bear off his friend. Dave only used 82g to instantly change the attacking sow's actions and sending her running not to return, and leaving 178g left in the canister. Below are the results from the above encounters and more from other encounters. We were able to measure how much bear spray was needed to stop aggressive bears in different situations.

Here is a chart that shows our findings.

Date	Name	Size Of bear spray used	Average total wt. of new canister	Total wt. of used canister	Total Amount used to deter Bear(s)	Situation
July 2003	Garry Lineback	225g	323g	263	60g	Defensive / Predatory Black Bear with Cubs
July 2003	Ben Macht	225g	323g	201g	122g	Charging Grizzly Bear with Cubs
July 2003	Steve Tusik	260g	359g	226g	133g	Aggressive Black Bear In Camp with Cubs
April 2003	Casey Anderson	260g	359g	299g	60g	Charging Grizzly Bear
September 2002	Nils Wygant	225g	323g	267g	56g	Attacking Grizzly Bear with Cubs
September 2001	Dave wood	260g	359g	277g	82g	Attacking Grizzly Bear with Cubs
September 2000	Richard Romano	225g	323g	246g	77g	Attacking Grizzly Bear
October 1999	Eric Burg	260g	359g	187g	172g	3 Charging Grizzly Bears

In addition, the years prior to having a registered bear deterrent, many customers had used the 180g against aggressive bears with great success. Some of these customers were quite upset when we could not register this product with the other two sizes in 1998. Letters, from several knowledgeable outdoor personnel supporting the registration of the 180g canisters, are included (See Appendix E)

We are providing a service for people and wish to provide a larger selection. The 180-gram canister is sufficient to stop an aggressive bear during a charge or an attack.

Sincerely,

Mark Matheny President

UDAP Industries Inc.

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Sincerely,

Mark Matheny

President

UDAP Industries Inc.

Appendix E

(Testimonials) 3 capies FROM : ALEKSANDRA PREGA

To whom it may concern ,

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> Thank you, David Nyreen 4-7-99



MIKE LAPINSKI

P.O. BOX 874 VICTOR, MT 59875 1-406-642-6717

March 25, 1999

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Red Butte Livesteck Inc.

Nate & Julie Vance

155 County Rd. 6 RT Cody, WY 82414

Phone (307) 527-6913 Email invance@wavecom.net

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Teton Wilderness Outfitting

TETON WILDERNESS OUTFITTING

Big Game Hunts Summer Pack Trips Fishing Trips

P.O. Box 427
Cody, Wyoming 82414
Phone/Fax 307-587-2966
email: wyoga@wave.park.wy.us

4

NATE VANCE OUTFITTER \mathcal{A}

Mark Matheny UDAP 11160 Yonder Road Bozeman, MT 59718

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Author: YELL Public Affairs at NP-YELL

Date: 09/02/2000 8:51 AM

Normal

INFORMATION FOR THE MEDIA MATTHEWS FOR IMMEDIATE RELEASE 344-2010

September 2, 2000

CONTACTS: KARLE OR

(307) 344-2015 or

00-77

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

August 19, 2003

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

MARK MATHENY UNIVERSAL DEFENSE ALTERNATIVE PRODUCTS (UDAP) 13160 YONDER ROAD BOZEMAN, MT 59718-

PRODUCT NAME: BEARGUARD

COMPANY NAME: UNIVERSAL DEFENSE ALTERNATIVE PRODUCTS (UDAP)

EPA FILE SYMBOL: 72007-1 EPA RECEIPT DATE: 08/15/03

SUBJECT: RECEIPT OF AMENDMENT

DEAR REGISTRANT:

The Office of Pesticide Programs has received your application for an amendment and it has passed an administrative screen for completeness.

During the initial screen we determined that the application appears to qualify for fast track review. The package will now be forwarded to the Product Manager for review to determine its acceptability for fast track status.

If you have any questions, please contact Registration Division, Risk Management Team 7, at (703) 308-6249.

Sincerely,

A-Wruse

Front End Processing Staff

Information Services Branch

Information Resources and Services Division

August 11, 2003

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) Office of Pesticide Programs, EPA 1921 Jefferson Davis Highway Arlington, VA 22202

RE: UDAP Pepper Power Bear Deterrent EPA Registration Number 72007-1 Application for an amendment to add two new sizes

Dear Mr. Peacock:

In order to help explain this amendment better UDAP Industries Inc. will give a brief regulatory history. On March 18,1999, the EPA registered BearGuard to Guardian Personal Security Products Inc. of Phoenix, Arizona under EPA Registration Number 71920-1. Next, UDAP Industries Inc. sub registered UDAP Pepper Power Bear Deterrent EPA Registration Number 71920-1-72007. On March 6, 2003, the EPA transferred the basic registration from Guardian Personal Security Products Inc. (EPA Registration No. 71920-1) to UDAP Industries Inc. (EPA Registration Number 72007-1). On June 24, 2003, UDAP Industries Inc. submitted an application to Change the Brand name of the basic registration, to amend the label of the basic registration, and to submit advertising claims for the Basic registration. This amendment is currently in process with the EPA.

UDAP Industries Inc. with this letter submits an application for the following amendment to the above registered product. The amendment is to add two new sizes to the product line UDAP Pepper Power Bear Deterrent.

UDAP Industries Inc. wishes to register two additional sizes of the brand UDAP Pepper Power Bear Deterrent EPA Reg. No. 72007-1. The first size is a 180-gram canister and the second size is a 380-gram canister. The formula will not change for these two sizes and will remain the same as the registered product other than the size. UDAP Industries Inc. had testing done for the two additional sizes to determine the spray pattern dimensions at varying distances, duration of can output measured in seconds, and maximum range. UDAP Industries Inc. will provide a label of the two proposed sizes (See Appendix A) along with results from the testing done (See appendix B) including a video of the testing (See Appendix C).

In support of the 180-gram canister is data that UDAP Industries Inc. has compiled data on the amount of bear Spray used in bear encounters (See appendix D).

UDAP Industries Inc. also wishes to advertise the test results done by Defense Technology / Federal Laboratories of the two proposed sizes in literature, presentations, and on websites. This is for educational purposes and for public safety. The advertisements will be in the same format as the test results submitted with this amendment.

In support of the Amendment, enclosed you will find the following:

1.) Two Applications (EPA Form 8570-1).

- 2.) Five Copies of the label for new proposed 380-gram size. (See Appendix A)
- 3.) Five Copies of the label for new proposed 180-gram size. (See Appendix A)
- 4.) Three copies of Laboratory Test results concerning the two new sizes. (See Appendix B)

5.) One ten-minute bear spray test video. (See Appendix C)

6.) Three copies of data supporting the 180-gram size (See Appendix D)

7.) Three copies of Letters of Credibility (See Appendix E)

Sincerely,

Mark Matheny President

UDAP Industries

ricese read instructions on	reverse before compl	eting form.		Form Approv	red. OMB No	. 2070-00	60. Approval expires 2-28	
SEPA Environmental Protect					Registration Amendment		OPP Identifier Number	
	nington, DC 20	460		Other				
		Application	on for Pesticio	le - Sectio	n I			
1. Company/Product Number 72007-1			2. EPA Product Manager Dan Peacock			3. Proposed Classification None Restricted		
Company/Product (Name) UDAP Pepper Power Bear Deterrent			PM# Insecticide-Rodenticide Branch					
5. Name and Address of Applicant (Include ZIP Code) UDAP Industries 13160 Yonder Road Bozeman, MT 59718			6. Expedited Reveiw. In accordance with FIFRA Section 3 (b)(i), my product is similar or identical in composition and lato: EPA Reg. No. The Section 3 (b)(ii), my product is similar or identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and lato: EPA Reg. No. The Section 3 (b)(iii) and identical in composition and identic					
Check if thi	s is a new address			t Maille	WL Lebb	el l'Ow	er bear beterrent	
			Section - I					
Explanation: Use addition UDAP Pepper Power Bear I Application for an amendment	nal page(s) if necessa Deterrent EPA Registra	tion Number 72	007-1	Other - Explain	balow.			
			Section - II					
1. Material This Product Wi	l Be Packaged In:							
Child-Resistant Packaging Yes No Pertification must be submitted	Yes No No ner		Water Soluble Packaging Yes No If "Yes" Package wgt No. per Package wgt Container		2. Type o	2. Type of Container Metal Plastic Glass Paper Other (Specify)		
3. Location of Net Contents	Information Container	4. Size(s) Ret	tail Container	5.	Location of Le	abel Direct	ions	
6. Manner in Which Label is	Affixed to Product	Lithog Peper Stenc	raph glued iled	Other _				
			Section - IV					
1. Contact Point Complete	items directly below	for identification	n of individual to be	contacted, if n	ecessary, to p	rocess thi	is application.)	
lame Mark Matheny			Title President			Telephone No. (lastide Area Code) (406) 763 - 4242		
I certify that the state I acknowledge that ar both under applicable	y knowlingly false or		all attachments the				6. Date Application Received (Stamped)	

3. Title President

5. Date

4. Typed Name

Mark Matheny

August 11, 2003

United States Environmental Protection Agency Washington, DC 20460					V	Registrati Amendme Other		OPP Identifier Number	
		Applicat	ion for Pesti	cide - Sec	tion	ı			
1. Company/Product Numb 72007-1	2. EPA Product Manager Dan Peacock				3. Pr	roposed Classification			
4. Company/Product (Name UDAP Pepper Power	PM# Inse	Insecticide-Rodenticide Branch							
5. Name and Address of A UDAP Industries 13160 Yonder Road Bozeman, MT 59718	6. Expedited Reveiw. In accordance with FIFRA Section 3(c)(3 (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. UDAP Pepper Power Bear Deterrent								
			Section -						
Notification - Explain Explanation: Use addition UDAP Pepper Power Bear Application for an amendment	nal page(s) if necessar Deterrent EPA Registrat ent to add two new sizes	ry. (For secti	2007-1 attached Letter).	III	Applica	ation.			
Yes No Certification must be submitted	No No No Per Unit Packaging wgt. container		Water Soluble Packaging Yes No If "Yes" Package wgt No. per Container				Z. Type of Container Metal Plastic Glass Paper Other (Specify)		
3. Location of Net Contents	Information Container	4. Size(s) R	etail Container		5. Lo	cation of Label	Directio	ins	
6. Manner in Which Label is	Affixed to Product	Litho Pape Sten	greph or glued ciled	Othe	_				
			Section -	IV					
1. Contact Point /Complete	items directly below I	for identificet	ion of individual to	be contacted,	if nece				
Nark Matheny			President				Telephone No. (Include Area Code) (406) 763 - 4242		
	ments I have made on by knowlingly false or law.		d all attachments t					6. Data Application Received (Stamped)	
Typed Name			5. Date				•••••		

Mark Matheny

August 11, 2003

August 11, 2003

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) Office of Pesticide Programs, EPA 1921 Jefferson Davis Highway Arlington, VA 22202

RE: UDAP Pepper Power Bear Deterrent
EPA Registration Number 72007-1
Application for an amendment to add two new sizes

Dear Mr. Peacock:

In order to help explain this amendment better UDAP Industries Inc. will give a brief regulatory history. On March 18,1999, the EPA registered BearGuard to Guardian Personal Security Products Inc. of Phoenix, Arizona under EPA Registration Number 71920-1. Next, UDAP Industries Inc. sub registered UDAP Pepper Power Bear Deterrent EPA Registration Number 71920-1-72007. On March 6, 2003, the EPA transferred the basic registration from Guardian Personal Security Products Inc. (EPA Registration No. 71920-1) to UDAP Industries Inc. (EPA Registration Number 72007-1). On June 24, 2003, UDAP Industries Inc. submitted an application to Change the Brand name of the basic registration, to amend the label of the basic registration, and to submit advertising claims for the Basic registration. This amendment is currently in process with the EPA.

UDAP Industries Inc. with this letter submits an application for the following amendment to the above registered product. The amendment is to add two new sizes to the product line UDAP Pepper Power Bear Deterrent.

UDAP Industries Inc. wishes to register two additional sizes of the brand UDAP Pepper Power Bear Deterrent EPA Reg. No. 72007-1. The first size is a 180-gram canister and the second size is a 380-gram canister. The formula will not change for these two sizes and will remain the same as the registered product other than the size. UDAP Industries Inc. had testing done for the two additional sizes to determine the spray pattern dimensions at varying distances, duration of can output measured in seconds, and maximum range. UDAP Industries Inc. will provide a label of the two proposed sizes (See Appendix A) along with results from the testing done (See appendix B) including a video of the testing (See Appendix C).

In support of the 180-gram canister is data that UDAP Industries Inc. has compiled data on the amount of bear Spray used in bear encounters (See appendix D).

UDAP Industries Inc. also wishes to advertise the test results done by Defense Technology./
Federal Laboratories of the two proposed sizes in literature, presentations, and on websites.
This is for educational purposes and for public safety. The advertisements will be in the same format as the test results submitted with this amendment.

In support of the Amendment, enclosed you will find the following:

- 1.) Two Applications (EPA Form 8570-1).
- 2.) Five Copies of the label for new proposed 380-gram size. (See Appendix A)
- 3.) Five Copies of the label for new proposed 180-gram size. (See Appendix A)
- 4.) Three copies of Laboratory Test results concerning the two new sizes. (See Appendix B)
- 5.) One ten-minute bear spray test video. (See Appendix C)
- 6.) Three copies of data supporting the 180-gram size (See Appendix D)
- 7.) Three copies of Letters of Credibility (See Appendix E)

Sincerely,

Mark Matheny President

UDAP Industries

Need OPPIN

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460



OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

August 14, 2003

Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59718

Attention: Mr. Mark Matheny

Subject

UDAP Pepper Power Bear Deterrent

EPA Reg. No. 72007-1

Your E-Mail of July 28, 2003

Addition of Two Additional Can Sizes List of Requirements for Amendment

Purpose

In your E-Mail, you requested us to supply you with a list of requirements to

amend your product registration to allow two additional can sizes.

Requirements

Effectiveness Data

For each can size, you will need to repeat your spray pattern test and obtain data on:

- 1. the height and width of the pattern at regular intervals from the point of discharge
- 2. The average number of 1 second bursts from a single can and
- 3. the average total spray time if can emptied at one time.

Before beginning additional effectiveness tests, refer to your previous data submit to the Agency and our comments on those data.

Data Formatting

Submit the data according to the format outlined in PR Notice 86-5.

Labeling Changes

After we review and accept the data, we will permit you to modify the labeling of your product based on your data.

Questions

If you have questions about this letter or further issues about bear deterrents, you can reach me by phone (703-305-5407), fax (703-305-6596), or E-Mail (Peacock.Dan@EPA/gov).

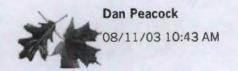
Sincerely,

DIST

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

Letter location

Disk 117,A:\Capsaicin\72007-1, requirements for adding two more can sizes, 8-14-2003.wpd, August 14, 2003



To: timl@udap.com

cc: Bill Jacobs/DC/USEPA/US@EPA

Subject: Re: UDAP Industries Inc.; 72007-1, Bearguard (UDAP Pepper

Power Bear Deterrent)

Tim,

I will have that letter out August 15 on the added can sizes. Did you send me the info on current and future can sizes?

Of course we are handling the amendment on labeling and ad claims separately. You will probably a response by Oct 30.

Thank You,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) 1200 Pennsylvania Ave. NW Washington, DC 20460

Tel: 703-305-5407 Fax: 703-305-6596

E-Mail: peacock.dan@epa.gov Tim Lynch <timl@udap.com>



Tim Lynch <timl@udap.com>

08/08/03 06:31 PM Please respond to "Tim Lynch" To: Dan Peacock/DC/USEPA/US@EPA

CC:

Subject: Re: UDAP Industries Inc.

Dan,

Just wanted to confirm that you sent the letter concerning adding can sizes. you mentioned it would be sent by Thursday, August 7.

Please let me know

Thanks!

Tim Lynch UDAP Industries www.pepperpower.com

---- Original Message ----

From: <Peacock.Dan@epamail.epa.gov>

To: <timl@udap.com>

Sent: Tuesday, July 29, 2003 5:09 AM Subject: Re: UDAP Industries Inc.

59

```
> Tim,
> There seems to be a great interest this year in adding can sizes.
> will put together a letter, with step by step instructions of 1) what
> data you need and 2) how to submit the request and data.
> I will send you a letter next week by Thursday, August 7. I need the
> following information from you:
> 1. current sizes
> 2. possible future sizes.
> Thank You,
> Daniel B. Peacock, Biologist
> Insecticide-Rodenticide Branch
> Registration Division (7504C)
> 1200 Pennsylvania Ave. NW
> Washington, DC 20460
> Tel: 703-305-5407
> Fax: 703-305-6596
> E-Mail: peacock.dan@epa.gov
                        Tim Lynch
                         <timl@udap.com>
                                                  To:
                                                            Dan
Peacock/DC/USEPA/US@EPA
                                                  cc:
                        07/28/2003 06:36
                                                  Subject:
                                                            UDAP Industries
Inc.
>
                        Please respond to
                        "Tim Lynch"
>
> July 28, 2003
> Daniel B. Peacock, Biologist
> Insecticide-Rodenticide Branch
> Registration Division (7504C)
> Mr. Daniel B. Peacock,
> We just have a few questions regarding an amendment we are putting
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> There will be no changes to the formula. We need to know in writing what
> you will need from us regarding the data required to file this. We also
> need any procedures to file the size changes.
> Thank you for your efforts. Please respond as soon as possible.
```



Tim Lynch <timl@udap.com>

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> Registration Division (7504C)
> 1200 Pennsylvania Ave. NW
> Washington, DC 20460
> Tel: 703-305-5407
> Fax: 703-305-6596
> E-Mail: peacock.dan@epa.gov
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                                                  To:
                                                            Dan
Peacock/DC/USEPA/US@EPA
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                                                  Subject:
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> need any procedures to file the size changes.
> Thank you for your efforts. Please respond as soon as possible.
   Sincerely,
   Tim Lynch
> UDAP Industries Inc.
```

June 30, 2003

TELEPHONE MEMORANDUM

SUBJECT: Data Requirements Needed to Add a 13.5 oz Can Size

FROM: Universal Defense Alternative Products (UDAP)

Mr. Mark Matheny

TO: Dan Peacock, Biologist

Insecticide-Rodenticide Branch

Registration Division

I explained that he would need to submit to us, for review, the following data (in the correct format) to add a 13.5 oz can size to the two can sizes that he already has:

Effectiveness Data

He will have to repeat his spray pattern test and obtain data on:

- 1. the height and width of the pattern at regular intervals from the point of discharge
- 2. the average number of 1 second bursts from a single can and
- 3. the average total spray time if can emptied at one time.

Before beginning additional effectiveness tests, I told him to refer to the previous data submit to the Agency and our comments on those data.

Disk 110,C:\WINDOWS\TEMP\~9175660.wpd

June 30, 2003

TELEPHONE MEMORANDUM

SUBJECT: Data Requirements Needed to Add a 13.5 oz Can Size

FROM: Universal Defense Alternative Products (UDAP)

Mr. Mark Matheny

TO: Dan Peacock, Biologist

Insecticide-Rodenticide Branch

Registration Division

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Before beginning additional effectiveness tests, I told him to refer to the previous data submit to the Agency and our comments on those data.

Disk 110,A:\Capsaicin\72007-1, tel memo, new can size, 13.5 oz, 6-30-2003.wpd

P.02/03 16551 PAUL UZ P.02/02

MAR 22 1999 17:02 FR TSG

*** 22 6737 60'E7 FF 15U

Environmental Protection Agency

Notice of Supplemental Dispribution of a Registered Posticide Product sile

After a registrent has obtained final registration for the basic product, the registrant may then supplementally distribute his/her product. One form must be submitted for each distributor product and must be signed by the distributor involved. The basic registration number and the distributor company number must be shown.

If a registrant has a potential distributor who does not have a company number assigned, shall a should have the distributor apply, on letterhead stationary, to the Replanation Division to have a number assigned prior to submitting this form to the agency.

This Notice of Supplemental Distribution must be submitted by the basic registrant. The completed form must have the concurrence and signature of both the registrant and the distributor.

EPA Registration Milmber of Product 7200 72007 8 71920-1 8 Note: Do not submit distributer product labels Distributor Product Home Herne of Registered Product (boxic product name accepted by EPA) BearQuard Bear Deterrent UDAF Pepper Power Boar Deterrent

na and Address of Distributor (Type: Inches 220 sade)

UDAP Industries, Inc. 13160 Yonder Road Boseman, NT 59715

Roud All Conditions Before Signing

1. The distributer product must have the same composition as the basic product.

2. The distributor product must be manufactured and packaged by the same person who manufactures and packages the registered basic product.

3. The labeling for the distributor product must bear the same claims as the basic product, provided, however, that specific claims may be deleted if by doing so, no other changes to the label are necessary.

4. The product must remain in the menuracturer's unbroken container.

5. The label must bear the EPA registration number of the basic product, followed by a hyphen and the distributor's company number.

5. Distributor product labels must beer the name and address of the distributor qualified by such terms as "packed," for...", "distributed by..."; or "sold by..." to show that the name is not that of the manufacturer.

7. All conditions of the basic registration apply equally to distributor products. It is the responsibility of the basic... registrent to see that all distributor labeling is kept in compliance with requirements placed on the basic products...

Distributor

d to market our product under the Distributer Freds

Reciptront

per that the distributor numed above may distribute and self the Distributor Product appointed above, subject to the commission associated on this

Signestry and Jide of Registrant

Date

5/22 199

EPA Ports 8870-8 (Rev. S.Ed) Pro

TALE SHOW TO BE A PROPERTY OF

C - WHITE - EPA

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANHARES

DANGER: May cause inversible physical eye damage if sprayed in the eye. Contact through touching or subbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clathing. Wash thoroughly with scap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AND

IF I'M EYES: Hold eyelids open and flush with steamy, pontle stream of water for 15 minutes. Get medical offention.

IF OW SKIN: Wash with pleasy of soop and water. Get medical attention if intertion passists.

PHYSICAL OR CHEMICAL MAZAROS

Contents under grassure. Do not use or store mear heat or open flome. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause busting.

ENVIRONMENTAL MAZARDS

De not apply directly to water. Do not contaminate water by fispesing of wasted material.

STORAGE & DISPOSAL

STURAGE: STORE IN A COOL DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When contained is empty, press when to release all pressure. Securely wrop arisinal container in several layers of newspaper and discord in trash.

DO NOT UNGHERATE OR PUNCTURE

Disdolmer: To the extent allowed by low, UDAP hadustries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this graduct. Contact local low anforcement officials about regulations concerning this product. Mate: As part of an angaing research project, UDAP Industries needs your hue account of Peaner Power use against bear artacles. Please call_1-800-232-7941 for details.

TOTAL

PAGE. 83



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME **UNEXPECTED CONFRONTATIONS WITH BEARS BUT** MAY NOT BE EFFECTIVE IN ALL STILLATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL **BEFORE TAXING THIS PRODUCT INTO AREAS** WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong indicat to eyes, mose and skin. Wesh thoroughly with soop and water after handling. See Side Penel for additional

Acree Impredient Conscious and related committeels." 2.0X 91.0% TOTAL 100 0%

These from Olyanskia of Capaisana Paded for: UDAP Industries, Inc. 13766 Yander Book Bosemen, ACI 59718 1-800:232-7941 (406)763-4242 CHERICAL-EMERGENCY: 1-200-535-5053 174 Reg. ME: 71920-1-72007 FPA Est. No.: 871920-AZ-801 SET CONTENTS: 7.9 merces (225g) or 9.2 ounces (280g)

DIRECTIONS FOR USE

It is a violation of Federal less to use this product to a monner inconsistent with its labellag.

USE RESTRICTIONS: This preduct may be used only to distar bears which are attacking ar appear likely to attack humans.

Do not seek out encounters with boars or intentionally provide them. This product may not be effective in oil situations or prevent oil injuries. Do not spray this product on hints, other objects, or an clariting. Such use has no determine effect on bears. Keep safety cip in place except when practicing with or using the product. Do not est as allow to be eaten any food or feed materials which may have become contaminated with this product. Use with contain, Contents will coase pain and temporary impairment to eyes, note, much and lengs. individuals who suffer from estimo or amphysime may have a mare severe reaction.

This product has a runge of up to 30 fact (9 maters). The consister amption completely in approximately 4 seconds [225] container] 5.4 seconds [260g container].

APPLICATION DIRECTIONS: Special precidents must be followed to oran the curculater, apply the product, and restore the sofety die to disorm the contribut. Before taking this product into bear country, wood the directions and familiarize yourself with those procedures. If you testthe this container, do so with your back to the wind in an even overy from people and bears. Do not technic Papper Powers in an area where you gian to game, facet, like, or fish. Do not test-fin for more than a helf a second After testifing dean nazzle and ap with soop and vector to remove residue, if you have not used this product before, you should obtain a LIBAP braining can and precifics with it until your can perform, autickly and accurately, the activities described in the column wine.

TO ARM AND APPLY: Place foretinger through Logo in handle with thereb on cust of select clip (Fig. 1). With thems, pull solety clip up and stroight back This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second hurst of spay (Fig. 2). This should be done on the offseking bear is charging soward you end is about 40 feet euroy (2-3 seconds from reaching you). He owere that wind or rain can greatly offert the ecouracy of the initial burst of sovay. To soone cases, you may have to wait out! In bear is ante clase before spicying. If the bear mokes it through the critical burst of sproy, comfinue sproying, pirming for the fore. Shield your eyes and face if you must loce the wind

TO DISARM Replace safety dip as Bushaled (Fig. 3).







38-B-3-2 Aug-05-99 07:43A Sold

** TOTHL PAGE, 82 **:

245324

Places Read All Instructions Before Completing this Parm Point Amer to I species Form Approval. CAR No. 2078-0044, Approval Expires 1-31-96

United States

& EPA

72:07-

Environmental Protection Agency
Office of Particle Programs (75050)
Washington, DC 20460

Notice of Supplemental Distribution of a Registered Pesticide Product

bestructions

After a registrant has obtained final registration for the basic product, the registrant may then supplementally distribute his/her product. One form must be submitted for each distributor product and must be signed by the distributor involved. The basic registration number and the distributor company number must be shown.

If a registrant has a potential distributor who does not have a company number assigned, she/he should have the distributor apply, on letterhead stationary, to the Registration Division to have a number assigned prior to submitting this form to the agency.

This Notice of Supplemental Distribution must be submitted by the basic registrent. The completed form must have the concurrence and signature of both the registrent and the distributor.

EPA Registration Number of Product

Distributor Company Number

3 71920-1 8

7 61311

Note: Do not submit distributor product labels

Harna of Registered Product Chasic product name accepted by EPAL)

Distributor Product Name

Bearquard Bear Deterrent

BEAR PEPPERNACE

Name and Address of Distributor (Type: Sectods ZIP pode)

MACE SECURITY INTERNATIONAL, INC. 160 BENMONT AVENUE BENNINGTON, VERMONT 05201

Read All Conditions Before Signing

1. The distributor product must have the same composition as the basic product.

The distributor product must be manufactured and packaged by the same person who manufactures and packages the registered basic product.

The labeling for the distributor product must bear the same claims as the besis product, provided, however, that specific claims may be deleted if by doing so, no other changes to the label are necessary.

4. The product must remain in the manufacturer's unbroken container.

5. The label must bear the EPA registration number of the basic product, followed by a hyphen and the distributor's

6. Distributor product labels must bear the name and address of the distributor qualified by such terms as "packed for...","distributed by..."; or "sold by..." to show that the name is not that of the manufacturer.

7. All conditions of the basic registration apply equally to distributor products. It is the responsibility of the basic registrant to see that all distributor labeling is kept in compliance with requirements placed on the basic product.

Distributor

we ment to market our product under the Distibutor Fraduct Hums operation above, shallost to the soundfrient apositive on this Mosicu.

Remotes and Tree of Distributes

ERIC D. CRAWFORD

JUNE 15,1999

Registrant

I was that the distributor named above may distribute and sell the Distributor Product specified above, redirect to the conditions specified on this Hetics.

Signature and Title of Registrers

Date
JULY 15 17

EFA Form \$570-5 (Ray, \$-\$4) Provious mittings are obsoleto.

AR COO HOP TO WALKE

8.10.99

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

April 10, 2003

455 5-633386

Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59718

Attention: Mr. Mark Matheny

Subject

UDAP Pepper Power Bear Deterrent

EPA Distributor Registration No. 71920-1-72007

February 24, 2003 Inspection (#5715) of Registered Establishment

Review of Product Labeling and Packaging

Our letter of April 7, 2003

Your submission of April 9, 2003

Purpose of submission The purpose of your submission is to supply us with revised labeling to correct problems associated with 1) an <u>unapproved</u> insert containing unacceptable claims and 2) the inability to see all required labeling for this distributor product.

Regulatory history On March 18, 1999, the Agency registered BearGuard to Guardian Personal Security Products, Inc. of Phoenix, Arizona under EPA Registration No. 71290-1. Subsequently, the Agency received an application for an EPA Distributor Registration No. 71920-1-72007 for UDAP. On February 24, 2003, the Montana Department of Agriculture (MDA) conducted an inspection of an UDAP's facility. On March 6, 2003, the Agency transferred the basic registration (EPA Reg. No. 71290-1) from Guardian Personal Security Products, Inc. (EPA Reg. No. 72007-1) to UDAP.

MDA inspection

On the day of the inspection, MDA sent you a request for:

copies of all records of receipt and shipping and current inventory of UDAP Pepper Power Bear Deterrent Pepper Spray (EPA Reg. No. 71920-1-72007) ("product") from February 24, 2001 to February 24, 2003.

UDAP's response to MDA and RD On March 21, 2003, we received a copy of a letter to the MDA, outlining your response to the inspection, including:

a voluntary stop sale of all product, effective March 21, 2003,
 removal of the Center Insert but retained the Bottom Insert,

3. a label over the post-attack image,

4. a submission to RD of empty samples of packaging,

5. a request for RD to confirm that the packaging is acceptable, and

6. a promise not to "... make any additional claims as a part of our product's distribution or sale until EPA has approved, in writing, amendments to the registration.

RD's initial response

RD reviewed your March 21, 2003, submission and responded in writing on April 7, 2003. To allow the continued sale of the distributor product, RD required certain labeling changes, which UDAP has now submitted for review.

Review of revised labeling

We have reviewed the distributor product labeling, which consists of:

- 1. a can label
- 2. an upper insert, and
- 3. a lower insert.

Purpose of approval

The purpose of approving this distributor labeling is to identify acceptable labeling to be used for existing stocks of this distributor product, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Review of labeling

We have reviewed the revised labeling (can label, upper inert, and lower insert). A copy of all stamped label is enclosed for your records. Note that labeling for the basic product, approved March 18, 1999, remains acceptable. Any future changes to labeling must be made for the basic product label.

Existing stocks

Stocks of existing, unapproved labeling for the distributor product may not used.

Consequence for noncompliance If this condition is not complied with, the registrations will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of this condition.

Questions

If you have questions about this letter or further issues about bear deterrents, you can reach me by phone (703-305-5407), fax (703-305-6596), or E-Mail (Peacock.Dan@EPA/gov).

Sincerely,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

Letter location Disk 100,A:\Capsaicin\72007-1, 4-10-2003, revised label.wpdApril 10, 2003

ACCEPTED with COMMENTS in EPA Letter Dated:

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

IF IN EYES Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention, if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Disclaimer: To the extent allowed by law UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an ongoing research project UDAP Industries needs your true occount of UDAP Pepper Power™ use against bear attacks. Please call 1-800-232-7941 for details.





DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME **UNEXPECTED CONFRONTATIONS WITH BEARS BUT** MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precoutions.

Active Ingredients:

Capsaicin and related capsaicinoids* Inert ingredients

2.0% 98.0% 100.0%

TOTAL *Made from Oleoresin of Capsicum Produce for: UDAP Industries

13160 Yonder Road Bozeman, MT 59718

1-800-232-7941 (406)763-4242

CHEMICAL EMERGENCY: 1-800-535-5053

NET CONTENTS: 7.9 ounces (225a)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with

Fungicide, and Rodenticide LASS RESTRICTIONS: This product may be used only to deter bears The pesticial are attacking or appear likely to attack humans.

FEPA Reg. Donot seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on dothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

> This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

> APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it

until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and straight book. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.





Fig. 3

TO DISARM:

Replace safety clip as illustrated (Fig. 3).

Upper Insert **DIRECTIONS FOR USE**

ACCEPTED

It is a violation of Federal law to use this product in a manner inconsistent with its lobeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. with COMMENTS Do not spray this product on tents, other objects, or on clothing. Suchin EPA Letter Dated: use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be

eaten any food or feed moterials which may have become the Federal Insecticide. contaminated with this product. Use with caution. Contents will couse amended, for the pesticide pain and temporary impairment to eyes, nose, mouth and lungs stered under EPA Reg. No. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

APPLICATION DIRECTIONS: Special procedures must be followed to orm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper PowerTM in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and stroight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM:

Replace safety clip as illustrated (Fig. 3).



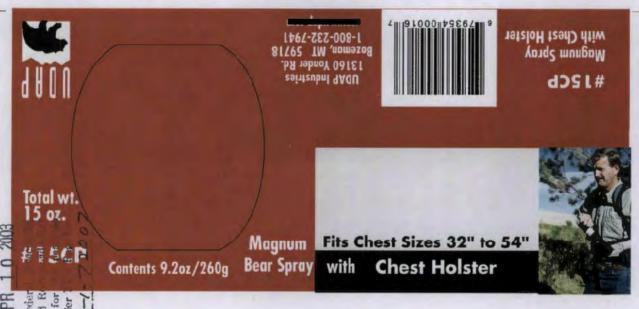
Fig. 1



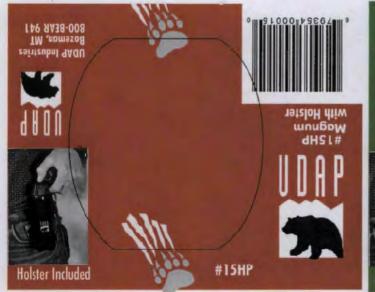


Fig. 3

Cower Insert











Tim Lynch <timl@udap.com>

04/09/03 06:18 PM Please respond to "Tim Lynch" To: Dan Peacock/DC/USEPA/US@EPA

cc:

Subject: UDAP Industries - 2nd Email Attachment: Basic 260 gram label

Thank you!

Tim Lynch UDAP Industries



www.pepperpower.com PP 260g lbl.PDF



Tim Lynch <timl@udap.com>

04/09/03 06:19 PM Please respond to "Tim Lynch*

To: Dan Peacock/DC/USEPA/US@EPA

Subject: UDAP Industries - 3rd Email Attachment: Label text for clamshell that could not be read.

Thank you!

Tim Lynch **UDAP** Industries

www.pepperpower.com Label Text for clamshell.PD



Tim Lynch <timl@udap.com> 04/09/03 08:06 PM Please respond to "Tim

Lynch"

To: Dan Peacock/DC/USEPA/US@EPA

CC:

Subject: UDAP Industries - Revised Inserts

Dan,

We found that the revised inserts would not fax clearly. We decided to revise them electronically to show the changes or solution to the web site. As you can see with the wide inserts, we put a line through the web address. We will do this for all inserts at this time. In the near future for the small bases, we will print new bases with the web address absent so we will no longer have to sticker over the post attack photo which will be absent from the reprinted inserts also.

This is temporary until we file an amendment with the EPA, and get approval in writing for new inserts along with new labels. If you have questions or have problems opening any attachments please contact me.

Thank you!

Tim Lynch UDAP Industries



www.pepperpower.com Revised Bases for EPA.PDF



Tim Lynch <timl@udap.com>

04/09/03 06:17 PM Please respond to "Tim Lynch" To: Dan Peacock/DC/USEPA/US@EPA

CC:

Subject: UDAP Industries I - 1st Email Attachment: Basic 225 gram label

Dan,

This is as small as I wanted to go with the PDF files in order for you to read them clearly. Sorry if they are slow. I will send 3 emails total. Here is what attachments the three emails will have.

1st Email Attachment: Basic 225 gram label 2nd Email Attachment: Basic 260 gram label

3rd Email Attachment: Label text for clamshell that could not be read.

Please let me know if you have trouble opening them. Also, I will fax the revised bases (inserts) with the web site corrected by blacking out the web address with a felt marker. We will also fax the attachments sent by email.

Thank you!

Tim Lynch UDAP Industries

www.pepperpower.com PP 225g lbl.PDF

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



history

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

April 7, 2003

455 5-631786

Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59718

Attention: Mr. Mark Matheny

Subject UDAP Pepper Power Bear Deterrent

EPA Distributor Registration No. 71920-1-72007

February 24, 2003 Inspection (#5715) of Registered Establishment

Review of Product Labeling and Packaging

Your undated letter to Montana Department of Agriculture (MDA)

received March 21, 2003

Purpose The purpose of your submission is to supply us with modified labeling and

packaging that we may review for acceptability.

Regulatory On March 18, 1999, the Agency registered BearGuard to Guardian Personal

Security Products, Inc. of Phoenix, Arizona under EPA Registration No. 71290-1.

Subsequently, the Agency received an application for an EPA Distributor

Registration No. 71920-1-72007 for UDAP. On linsert date1 the MDA conducted an inspection of UDAP's facility at [insert name, city, and state]. [MDA enters any more relevant information here.] On March 6, 2003, the Agency transferred the basic registration (EPA Reg. No. 71290-1) from Guardian Personal Security

Products, Inc. (EPA Reg. No. 72007-1) to UDAP of Bozeman, Montana.

MDA On February 24, 2003, MDA conducted an inspection of UDAP's facility. On the same day, MDA sent you a request for:

copies of all records of receipt and shipping and current inventory of UDAP Pepper Power Bear Deterrent Pepper Spray (EPA Reg. No. 71920-1-72007)

("product") from February 24, 2001 to February 24, 2003.

UDAP's response

According to your letter, you sent MDA a copy of records of receipt and shipping for this product for the reference time period (Attachment 1) and an inventory of product (Attachment 2). While you disputed that your product was misbranded, you nevertheless took these steps to address Agency concerns:

- 1. stop sale all product, effective March 21, 2003,
- 2. remove the Center Insert but retained the Bottom Insert,
- 3. label over the post-attack image,
- 4. send to Mr. Daniel Peacock in EPA's Office of Pesticide Program's Registration Division empty samples of packaging,
- 5. request RD to confirm that the packaging is acceptable, and
- promise not to "... make any additional claims as a part of our product's distribution or sale until EPA has approved, in writing, amendments to the registration.

Review of UDAP's request

In addition to the items proposed above to remedy the packaging and labeling problems, you need to take two additional steps before you can continue to market this product:

- 1. delete any reference to your website on your labeling and
- take corrective action to insure a potential buyer can read the entire text on your Front Panel.

See highlighted text below for additional details about these remaining problems.

Criteria for Acceptable/ Unacceptable claims

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, prohibits labels and labeling for pesticide products from bearing

any statement, design, or graphic representation relative thereto that is false or misleading in any particular.

[FIFRA, Section 2(q)(1)(A), quoted in part, in combination with Section 12(a)(1)(E)]

In Title 40 of the Code of Federal Regulations, 40 CFR, §156.10(a)(5) lists 10 types of label statements which are categorically considered to be -- against making "False or misleading statements". The types of statements and graphics found to be objectionable in past assessments of bear pepper sprays generally have fallen into the categories listed below.

- 1. "A false or misleading statement concerning the composition of the product" [40 CFR, §156.10(a)(5)(i)];
- 2. "A false or misleading statement concerning the effectiveness of the product as a pesticide or device" [40 CFR, §156.10(a)(5)(ii)];
- 3. "A false or misleading comparison with other pesticides or devices" [40 CFR, §156.10(a)(5)(iv)];

Criteria for Acceptable/ Unacceptable claimscontinued

- 4. "Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government" [40 CFR, §156.10(a)(5)(v)]; and
- 5. "A true statement used in such a way as to give a false or misleading impression to the purchaser" [40 CFR, §156.10(a)(5)(vii)].

Acceptable label claims

In the future, you may wish to file a formal amendment for this product to add additional labeling claims. Therefore, you may use the following Agency comments as a guide to filing that amendment, if you chose to make it.

We recently examined a center insert label for one of the packaging arrangements used for your bear pepper spray when it was sold as 71920-1-72007. We concluded that the items quoted or described below would be have been **acceptable** on such labeling had the labeling been submitted to us for review.

- 1. "Do NOT store in Hot vehicle or in direct sunlight)".
- 2. "Read Carefully the entire label upon purchase".
- 3. "Be Prepared!"
- 4. "With Glow in the Dark Safety Clip!"
- 5. "BEAR IN MIND THE INFORMATION."
- 6. "Safety Clip to prevent loss, the safety clip is attached to the handle. Please leave attached".
- 7. The product name "pepper power"
- 8. "Holster Included"
- 9. "UDAP" with profile of whole bear
- 11. "#12HP Bear Spray with Holster"
- 12. UDAP's company name address and "800" number
- 13. "Range up to 30 feet (9 meters)"
- 14. "Bear Deterrent pepper spray".

Unacceptable label claims

The statements on the clamshell inserts for 71920-1-72007 that we regarded as objectionable (i.e., those which are not indicated above to be acceptable) either fell into these categories of "False or misleading statements" or otherwise were considered to be "false or misleading" in at least one particular. Some of those statements are identified and discussed below.

1. "Wisdom is Better than Strength' Ecc. 9:16".

While this statement might often be true, it seems to be used misleadingly here in the sense that it might be perceived as implying that it is always smarter to use this product than alternative approaches such as use of a firearm (strength?) or maybe even a different bear pepper spray (implying that "It's wisest to use UDAP"). The Biblical reference is inappropriate, perhaps implying: "Be smart. Put God on your side."

We understand that your intended meaning might be to imply that it is smarter to repel the bear with a pepper spray than to attempt to do battle with it, to run away from it, or to shoot it. If the text stated that the product provides a way for both the user and the bear to survive and perhaps escape serious harm, we probably would accept it. As always, acceptance would depend on the specific wording proposed.

"As seen on the Discovery Channel!"

This phrase could be perceived as implying that your product is better than whatever other products might not have been "seen on the Discovery Channel!" and might possibly put you at some advantage relative to your competitors with people who recall the specific episode or otherwise think well of the Discovery Channel. This one was a narrow call for us.

The picture of Mark Matheny along with the statement "a grizzly bear attack survivor"

As we understand the history of the incident behind the picture, it occurred before any product was registered in the U.S. as a bear deterrent and before any product called "Pepper Power" was sold as a bear deterrent. Therefore, the product used to save Mark Matheny's life could not have been this product.

As presented on the clamshell inserts that we examined (text on the center insert, picture and "BE PREPARED!" on the footer), the picture seems to imply "This is what can happen if you're not prepared." That implication would not be completely correct, either, as the victim in this case reportedly was semi-prepared in that his companion carried unregistered pepper spray and used it to drive the bear away. Therefore, use of the picture without a complete description of the circumstances, including the fact that a different product was used, would be misleading. We also are rather sensitive about allusions on labeling to the period of time during which the registered bear pepper sprays being sold and used were not Federally registered.

Unaccentable label claimscontinued

4. References to your web site

Under FIFRA at Section 2(n)(2)(B) the definition of "labeling". "all other written, printed, or graphic matter" to which a pesticide label or labeling accompanying the pesticide "at any time" refers becomes additional labeling (except for certain categories of official publications which would not apply to your web site). Although the contents of your web site are stored electronically until someone prints them, they contain "graphic matter" and have "written" portions. In examining the contents of your web site on March 20, 2003, we found a number of false or misleading statements there, including stated or implied favorable comparisons of your products to competitors' products. Therefore, references to the web site on labels or labeling that accompany this product in commerce would mishrand it due to the presence of false or misleading statements in referenced labeling.

5. "Self-Defense Use only"

Although consistent with regard to how one should use the product with respect to bears, the expression "Self-Defense Use" also is consistent with how pepper sprays are supposed to be used against humans. We do not permit any claims or allusions to use against people to appear on labels of bear pepper sprays against. Pepper sprays that are sold for use against humans are regulated by a different agency.

The intended meaning of using "Self-Defense Use only" within the context of its bear pepper spray might be that humans should not seek encounters with bears or approach them aggressively just because they are armed with PEPPER POWER. If so, it would be possible to draft an appropriate admonishment. In fact, words to that effect already appear prominently on the accepted canister label ("DO NOT SEEK OUT ENCOUNTERS WITH BEARS ...").

"UDAP Industries concerned with Your Safety, and the preservation of Wildlife"

While this phrase might accurately reflect UDAP's corporate sentiments, use of the phrase on a label seems to imply that such concern might be unique to UDAP among those who market bear pepper sprays. In that regard, the phrase could be considered to be misleading.

Packaging problem

We also note that **only** the front (center) nanel of the label is completely visible and able to be read while the canister is in the clamshell. The text on the two other nanels of the canister label is nartially obscured by the plastic and, in some nackaging arrangements, also by the chest holster. Consequently, not all required label text would be

... likely to be read and understood by the ordinary individual under customary conditions of purchase

[Section 2(q)(1)(E) of FIFRA, quoted in part]

Packaging problemcontinued

The problem of obscured text could be remedied by:

- 1. reneating all of the elements of required label text that must be visible to the potential purchaser on the clamshell inserts,
- 2. adopting a two-panel canister label which allows all required text to be read through the plastic clamshell, or
- nutting all label text that is required to be displayed under conditions of purchase on the front panel.

Questions

If you have questions about this letter or further issues about bear deterrents, you can reach me by phone (703-305-5407), fax (703-305-6596), or E-Mail (Peacock.Dan@EPA/gov).

Sincerely,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

Letter

Disk 97,C:\Disk 98\Capsaicin\71920-1-72007, 4-7-2003.wpdApril 3, 2003



To: pepperpower@udap.com

cc: Tim Osag/ENF/R8/USEPA/US@EPA

Subject: Status of Response to Review of Product Labeling and Packaging

Mark and Timothy,

I received your many Friday, April 4, 2003, phone calls.

The status of our response to your revised packaging and labeling received March 21, 2003, is as follows:

- 1. You sent us a box of material to review: four (4) sets of labeling and packaging presentations.
- 2. Our vertebrate biologist and effectiveness reviewer has dropped other scheduled work to review this material.
- 3. So far we have identified 1 labeling problem and 1 packaging problem that will need addressing.
 - 4. We have drafted a five (5) page letter in response to your submission.
 - 5. This letter explains in detail the labeling and packaging problems and how to fix them.
 - 6. The letter also explains the criteria used to distinguish acceptable and unacceptable claims.
- 7. The letter explains which claims made for this product are acceptable and which are unacceptable.

Because your product is the subject of an enforcement action, I must obtain input from the appropriate enforcement personnel before sending the letter. In addition, I must have Headquarters to review the contents of the letter.

We understand your interest in resolving this issue as soon as possible. That is our goal as well. We are continuing to work on your submission daily. Hopefully, you will receive a communication shortly. In the interim, could you kindly fax me a <u>dated</u>, <u>signed</u> copy of the letter that you sent to the Montana Department of Agriculture.

Under the circumstances, you may find it more convenient to communicate by E-Mail.

Thank You,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) 1200 Pennsylvania Ave. NW Washington, DC 20460 Tel: 703-305-5407

Fax: 703-305-6596 E-Mail: peacock.dan@epa.gov

Phone: 617-626-1784 ext 149

Fax: 617-727-7235

Brad Mitchell, Chief BRAD.MITCHELL@STATE.MA.US Phone: 617-727-3020 x149 (Mitchell).

MICHIGAN (EPA Region 5)

William Schuette, Director, Michigan Department of Agriculture North Ottawa Building P.O. Box 30017 Lansing, Michigan 48909

Phone: 517-335-6542

Fax: 517-335-4540, -7071

Staff: Robin Rosenbaum

ROSENBAUMR@STATE.MI.US

MINNESOTA (EPA Region 5)

Gene Hugoson, Commissioner, Minnesota Department of Agriculture 90 West Plato Boulevard St. Paul, Minnesota 55107

Phone: 651-296-4292 Fax: 651-297-2271

Staff: John Sierk

JOHN.SIERK@STATE.MN.US

MISSISSIPPI (EPA Region 4)

Lester Spell, Jr. DVM, Commissioner, Mississippi Dept of Agriculture & Commerce P.O. Box 5207 Mississippi State, Mississippi 39762-5207

Phone: 662-325-3390 Fax: 662-325-8397

Staff: Robert McCarty; Tommy McDaniel RMcCarty@mdac.state.ms.us

TommyM@mdac.state.ms.us

MISSOURI (EPA Region 7)

Charles Kruse, Director, Missouri Department of Agriculture 1616 Missouri Boulevard P.O. Box 630

Jefferson City, Missouri 65102-0630

Phone: 573-751-2462, -5510 (Bailey)

Fax: 573-751-0005

Staff: James Lea (supervisor); Paul Bailey PBAILEY@MAIL.STATE.MO.US

MONTANA (EPA Region 8)

Ralph Peck, Director, Montana Department of Agriculture P.O. Box 200201 Agriculture - Livestock Building Capitol Station Helena, Montana 59620-0201

Phone: 406-444-2944: -5400 (D. Sullivan)

Fax:: 406-444-7336

Staff: Dan Sullivan, George Algard DASULLIVAN@STATE.MT.US

NEBRASKA (EPA Region 7)

406-58?-bjones@state. bjones@state. Brad Jones Merlyn Carlson, Director, Nebraska Department of Agriculture P.O. Box 94947 301 Centennial Mall South

Lincoln, Nebraska 68509-4947

Phone: 402-471-2394 Fax: 402-471-6892

Staff: Tim Creger TIMLC@AGR.STATE.NE.US

NEVADA (EPA Region 9)

Paul Iverson, Acting Administrator, Nevada Division of Agriculture Dept of Business and Industry 350 Capitol Hill Avenue P.O. Box 11100 Reno, Nevada 89510-1100

Phone: 702-688-1180 Fax: 702-688-1178

Staff: Christopher Mason, Chief Chemist; Randy Bradley; John O'Brien CHRISM@GOVMAIL.STATE.NV.US

NEW HAMPSHIRE (EPA Region 1)

Murray L. McKay, Director, New Hampshire Department of Agriculture

86



Producer Assistance

Business Assistance

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Grants & Loans

Licensing & Registration

News, Info & Statistics

Assistance & Services

About the Department

From the Director

Programs

MT Ag. Organizations

Hay Hotline

MT Wheat & Barley Committee You can contact the Montana Department of Agriculture in any of the following ways:

By Phone: (406) 444-3144

By E-mail: agr@state.mt.us

By Fax: (406) 444-5409

By TDD: (406) 444-4687

By Mail:

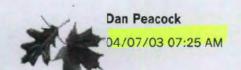
Montana Department of Agriculture P.O. Box 200201 Helena, Montana 59620-0201

Physical Location:

303 North Roberts Street (corner of 6th and Roberts)

W. Ralph Peck is the Director of the Montana Department of Agriculture

Home Back Top



To: Tim Osag/ENF/R8/USEPA/US cc:

Tel 303-312-6582 Fax 303-312-6409

Subject: UDAP Pepper Power Bear Deterrent, EPA Reg. No. 71920-1-72007

Tim.

I need to talk with you or the appropriate enforcement person this AM so that I can get Mark and Tim Matheny off my back. Because of their persistent calls last Friday, I sent them an E-Mail this AM, which hopefully will buy me a day at most. I don't want them to become so desperate that they start writing letters to unhelpful parties.

CC:

I sent you my proposed letter Friday, April 4, 2003.

My E-Mail lists the questions that I wanted to discuss.

Thank you for your help as always,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) 1200 Pennsylvania Ave. NW Washington, DC 20460

Tel: 703-305-5407 Fax: 703-305-6596

E-Mail: peacock.dan@epa.gov

David Rise - 457 5012 Brad Jones Montana Depol Ag Cen # # #Ax 1 ~ 406-444-2944 .- 406-444-7336



To: Tim Osag/ENF/R8/USEPA/US,

cc: Bill Jacobs/DC/USEPA/US,

CC:

Subject: Review of Labeling and Packaging of UDAP Pepper Power Bear Deterrent, EPA Distributor Registration No. 71920-1-72007

Tim.

On March 21, 2003, UDAP sent the Registration Division (RD) a copy of an undated letter to the Montana Department of Agriculture (MDA). About two days later, I received in the mail a box with examples of their current packaging, their revised labeling, and another copy of the undated letter. Dr. William Jacobs, vertebrate biologist and effectiveness reviewer, reviewed the packaging and labeling. I have drafted a proposed letter to UDAP with the results of that review (copy of proposed outgoing letter attached).



71920-1, review of labeling and packaging, 4-4-201

Proposed Letter Contents:

- 1. background of the product registration and the inspection,
- 2. criteria for determining acceptable and unacceptable claims,
- 3. list of acceptable insert label claims (critical to developing an acceptable insert in the future),
- 4. list of unacceptable insert label claims (critical to avoiding bad claims in the future), and
- 5. problem with the current packaging.

Company Action:

Before releasing product, the company needs to do 2 things:

- 1. delete the website from the labeling
- address the packaging problem (potential purchaser cannot see all required labeling text) acceptably.

Point 1 is not negotiable. Point 2 is negotiable, depending on the co's response, the amounts of existing stocks, and other facts.

Questions:

After you have reviewed our proposed letter, the Region, State, and I need to discuss the following questions and thoses of the Region and State:

- Who should we be sending a copy of the above propose letter: the Region, State, or both?
- 2. Did you or the state actually receive a copy of a letter from UDAP?
- 3. If so, was it dated and could you fax a copy to me?
- 4. What is the state of the enforcement case?

- 5. Has the Region or State issued a stop sale or has the co just agreed to a voluntary one, pending a response from enforcement and registration?
- 6. Do you or MDA have any comments, questions, or suggestions for our proposed letter.
- 7. Is it OK to talk to the company about specific labeling or packaging issues?

Thank You:

We appreciate your following up on our request to take enforcement action against UDAP. It will solve a problem with one registered bear deterrent product and discourage the companies of the other three registered products from making the same mistake.

Update on Bear Down Spray (Unregistered 3 oz Bear Deterrent sold in MT and made in Florida):

We have requested the State of Florida to pick up and stop sale this product.

Thank You,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) 1200 Pennsylvania Ave. NW Washington, DC 20460

Tel: 703-305-5407 Fax: 703-305-6596

E-Mail: peacock.dan@epa.gov



To: Tim Osag/ENF/R8/USEPA/US

cc: Don Terrell/TMS/R8/USEPA/US@EPA cc: Dan Peacock/DC/USEPA/US@EPA, Don

Terrell/TMS/R8/USEPA/US@EPA

Subject: Re: Supplemental Labeling

Tim,

Thank you for your fast work! My fax is "703-305-6596". Also, see below.

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) 1200 Pennsylvania Ave. NW Washington, DC 20460

Tel: 703-305-5407 Fax: **703-305-6596**

E-Mail: peacock.dan@epa.gov

Tim Osag

Tim Osag

02/06/03 11:54 AM

To: Dan Peacock/DC/USEPA/US@EPA

cc: Don Terrell/TMS/R8/USEPA/US@EPA

Subject: Re: Supplemental Labeling

Dan we've already picked up a sample and will FAX you a copy of the supplemental labeling. What's you FAX number. Once you confirm that the labeling has not been approved, we'll go forward with enforcement.

Dan Peacock



Dan Peacock

02/06/03 08:07 AM

To: Tim Osag/ENF/R8/USEPA/US@EPA

cc: <pride@counterassault.com>, Meredith

Laws/DC/USEPA/US@EPA, John Hebert/DC/USEPA/US@EPA

Subject: Re: Supplemental Labeling

Tim.

I believe that Pride Johnson has a valid point. EPA needs to take enforcement action against UDAP for misbranding if UDAP is really selling his product with non-conforming labeling. In the past, the Registration Division has reviewed non-conforming labeling that UDAP was using in the channels of trade. Therefore, they should know better.

Could you pick up an official sample of UDAP's product and send us a copy of the label for our review and compliance with the accepted labeling?

Here is the information that I have on UDAP's UDAP Pepper Power, EPA Reg. No. 71920-1-72007

Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59715 Contact: Mark Matheny Tel: 1-800-232-7941 E-Mail: bearman@udap.com

Website: udap.com

According to Pride Johnson, UDAP Pepper Power may be found at any of the following stores:



UDAP Pepper Spray Store Locatons, 2-6-2003 per Pride John

1. Gart's Sports; corporate headquarters in Denver, CO (many stores throughout the NW)

2. Sportsman's Warehouse, headquarters in Salt Lake, UT (")

Cal Stores; headquarters in Idaho Falls, ID (")
 Bob Ward's & Sons, Missoula, MT (5 stores in MT)

5. Rocky Mountain Sports; Cody, WY (3 stores in WY)

6. Delaware North Companies; Bozeman, MT (Yellowstone National Park concessionaire)

Thank You,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) 1200 Pennsylvania Ave. NW Washington, DC 20460

Tel: 703-305-5407 Fax: 703-305-6596

E-Mail: peacock.dan@epa.gov

..... Forwarded by Dan Peacock/DC/USEPA/US on 02/06/03 09:41 AM



Pride <pride@counterassaul t.com>

02/05/03 11:24 AM

To: Dan Peacock/DC/USEPA/US@EPA

cc: Bill Jacobs/DC/USEPA/US@EPA, Tim
Osag/ENF/R8/USEPA/US@EPA, gmurfitt@state.mt.us

Subject: Re: Supplemental Labeling

Dan:

The attached is an e-mail I received from you acknowledging that you received UDAP's supplemental labeling. I sent all this info back in November 2002. UDAP; which is a subregisterant of Bear Guard, has been selling it's product since Bear Guard received registration. During this time, UDAP has used supplemental language that you have not allowed Counter Assault to use. WHY? By your own e-mail, Bear Guard has not received any supplemental labeling and therefore their subregistrants, UDAP and Bear PepperMace, supplemental labeling isn't registered.

I had previously sent your an e-mail informing , before you received your samples, as to the location of said products. That is why you requested a sample. DUUHHH! UDAP's products are sold at:

1. Gart's Sports; corporate headquarters in Denver, CO (many stores throughout the NW)

```
    Sportsman's Warehouse, headquarters in Salt Lake, UT (")
    Cal Stores; headquarters in Idaho Falls, ID (")
```

Bob Ward's & Sons, Missoula, MT (5 stores in MT)
 Rocky Mountain Sports; Cody, WY (3 stores in WY)

6. Delaware North Companies; Bozeman, MT (Yellowstone National Park concessionaire)

LOOK--- IT'S OUT THERE

---- Original Message -----

Peacock/DC/USEPA/US@EPA

These are only a few but assuming your group wants to find product, there are literally thousands of illegal and unregistered cans on the market; mostly UDAP and Bear PepperMace.

I always keep photocopies of materials I send to you; because historically, the EPA tends to misplace things; either by accident or on purpose. That is why I send materials to you by registered mail and return signature.

There is a double standard going on here. It appears to me that no one besides Counter Assault is being required to follow the EPA regulations. We are at a severe disadvantage in the market place by the actions and inaction of the EPA. We are tired of this double standard and expect someone in the EPA to take immediate action.

```
From: <Peacock.Dan@epamail.epa.gov>
To: "Pride" <pride@counterassault.com>
Cc: <Jacobs.Bill@epamail.epa.gov>; <Osag.Tim@epamail.epa.gov>
Sent: Tuesday, February 04, 2003 3:22 PM
Subject: Re: Supplemental Labeling
> Pride,
> If you want us to take some action, you need to supply me more
> information:
> 1. where is the supplemental literature being sold? city and state
> 2. is it being sold with his product
> Did you get copies?
> If you give me some details, I can ask the appropriate Region and State
> to get involved. However, I need more information.
> Thank You,
>
> Daniel B. Peacock, Biologist
> Insecticide-Rodenticide Branch
> Registration Division (7504C)
> 1200 Pennsylvania Ave. NW
> Washington, DC 20460
> Tel: 703-305-5407
> Fax: 703-305-6596
> E-Mail: peacock.dan@epa.gov
>
                        Pride
```

counterass

ault.com>

To:

cc:

Dan

Fax: 703-305-6596

E-Mail: peacock.dan@epa.gov

Pride

<pride@counteras</pre> Peacock/DC/USEPA/US@EPA

sault.com>

11/18/02 10:42

AM

To: Dan

cc:

Subject: UDAP Packaging

Dan; Last week I sent you a package containing the clamshell and insert of UDAP's packaging. Please let me know when you receive this package. Thanks.

Pride Johnson Counter Assault President/Chemist 800-695-3394 pride@counterassault.com www.counterassault.com

Subject: Supplemental Labeling 02/03/2003 12:04 PM > Dan, > I was a distributor show this past week and UDAP had the same packaging > that I sent to you. What's Happening? > Assuming that the EPA is NOT going to take measures; I WILL! > Pride Johnson > Counter Assault > President/Chemist > 800-695-3394 > pride@counterassault.com > www.counterassault.com > 3 3

····· Message from Peacock.Dan@epamail.epa.gov on Mon, 25 Nov 2002 10:11:06 -0500 ·····

To: Pride

<pride@counterassault.com>

cc: Jacobs.Bill@epamail.epa.gov

Subject Re: UDAP Packaging

Pride,

Thank you for sending me the packaging for UDAP's "Pepper Power": 1) a "U" shaped card with text on both sides and 2) a green insert card. If you look at our website (www.epa.gov/pesticides) for the basic product (71920-1), you will see that we have not approved any inserts for the basic product, Bear Guard. Except for name, address, and registration number, the labeling for the distributor product is supposed to be identical to the basic product.

We will be doing a review of the submitted labeling and taking appropriate action.

Could you provide us with the following information: place of purchase, date of purchase, and photocopy of basic product label.

In the interim, only market your product with labeling that the Agency has approved.

Thank You,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) 1200 Pennsylvania Ave. NW Washington, DC 20460

Tel: 703-305-5407

THE BRANCH REVIEW - TSS' .

Record Number(s)

D287007 D289071

11/25/02 3/24/03 23/25/03

FILE OR REG. NO.	
PETITION OR EQ. PENGT NO.	
DATE DIV. POLIVED 11/18/	/02, 3//24/03
	/02, 3/21/03
DATE SUPPLISHON ACCORD	11/25/02, 3/24/03
TOPE PRODUCTS(S): I, D,	E. P. N. R. S
DATA ACCESSION NO(S). no ne	w efficacy data
PRODUCT HER. NO. 04	
PRODUCT HONE (S) BEARS	GUARD (aka UDAP PEPPER POWER)
	versal Defense Alternative Products
	nding/enforcement issues
GERICAL & FORMULATION 2.0%	Capsaicin and related capsaicinoids aerosol
CAZACOD & SANDOLLAN	

Efficacy Review: BEARGUARD™, 71920-R

Universal Defense Alternative Products (UDAP)

Bozeman, MT 59718

200.0 INTRODUCTION

ITEMS OF A PROPRIETARY NATURE MAY BE DISCUSSED IN THIS REVIEW.

EXAMINE IT CAREFULLY FOR SUCH INFORMATION BEFORE CIRCULATING IT

TO ANYONE OTHER THAN EPA EMPLOYEES WITH APPROPRIATE CLEARANCES.

200.1 Uses

2.0% "Capsaicin and related capsaicinoids*" aerosol product Federally registered "to deter bears which are attacking or appear likely to attack humans".

200.2 Background Information

See efficacy reviews of 1/25/99, 3/9/99, 3/16/99, 12/27/99, and 9/5/00. This product was registered on 3/18/99 to Guardian Products of Phoenix, AZ. No revised labels or label components have been accepted subsequently, despite considerable evidence and many discussions of unaccepted and unacceptable supplemental labeling used by UDAP when it sold the product under a distributor number (71920-1-72007). The registration for this product was formally transferred to UDAP on 3/6/03. UDAP may soon apply to change the basic name of this product, unless it would prefer to retain the option to call it "BEARGUARD". If so, "UDAP PEPPER POWER™ BEAR DETERRENT" would have to be cleared as an alternate brand name for 72007-1.

See also 1/24/00, 3/30/00, and 9/14/00 reviews of inquiries (data package D261874, CORR.# 292749, and CORR.# 293305) respectively) regarding promotional statements being made for UDAP Pepper Power, which was a subregistration ("distributor product") of 71920-1 when those reviews were conducted. In those reviews, I found highly objectionable certain promotional statements that appeared on various elements of UDAP's labeling, some of which were never submitted for 71920-1.

See also the memorandum of 2/12/03 from Daniel Peacock of IRB to Timothy Osag of EPA Region 8 in Denver, CO, regarding labeling recently used for 71920-1-72007. That memorandum evidently was precipitated by the collection of additional labeling that is not considered in this review but which has led to further enforcement actions.

This review discusses the letter of 11/12/02 from Pride Johnson, President of the Counter Assault company, Kalispel, MT, which markets the COUNTER ASSAULT bear pepper spray, EPA Reg. No. 55541-2. With his letter, Johnson enclosed the "packaging insert card and clamshell" for UDAP's Pepper Power Bear Deterrent (as 71920-1-72007). In his letter, Johnson indicates the text and features of the clamshell and insert card which he finds to be objectionable and/or which remind him of items to which EPA objected with respect to 55541-2. Actually, there are two inserts to the clamshell.

One of these (the "center insert") goes around the product canister and has text printed on both broad sides. The other, called the "bottom insert" or "footer", appears at the bottom of the clamshell. The footer has text printed on one side only. As the footer is bent through its middle (like a panelist's name card), some of what is printed on it can be viewed from the front of the clamshell and the rest can be viewed from the back.

This review also discusses a letter of approximately 3/21/03 from Mark Matheny of UDAP to Brad Jones of the Montana Department of Agriculture (MDA) in Helena concerning "February 24, 2003 Inspection No. 5715". Copies of that letter were included in a FAX transmission and an "overnight' package sent to Peacock. Evidently, MDA conducted an inspection of UDAP's facility on 2/24/03, probably with Region 8 providing the impetus. Matheny's letter came to my attention as I was completing review of Johnson's letter of 11/12/03. The package in which a paper copy of Matheny's letter came to IRB also contained 4 clamshell packages of UDAP PEPPER POWER (hopefully containing dummy canisters). All of these canisters are numbered "71920-1-72007".

Products claimed to protect people from attacks by relatively large animals (e.g., bears, dogs) must be registered as pesticides. Although such a registration requirement has been in place for nearly 40 years, manufacturers sold unregistered bear pepper sprays for more than a decade before a product of this type, 55541-2, was registered in May of 1998. Prior to that time, bear pepper sprays were being sold with some knowledge and even some official winking by government agencies, most notably the Park Service (which equipped its personnel with unregistered products) and EPA (which, bowing to political interference, blunted a 1993 enforcement action initiated by an agency of Alaska's State government). UDAP had a "PEPPER POWER" product on the market during the period of illegal sales of bear pepper sprays.

Since May of 1998, EPA has taken a number of enforcement and other regulatory actions which have resulted in 5 Federal Registrations for bear pepper sprays (one of which now is subject to a stop-sale order) and some improvements in labeling. One problem common to these products has been the use of unreviewed elements of labeling in addition to the accepted container label in various commercial presentations of the products. Another common problem has been the making of false and misleading statements on such unreviewed labeling and in other promotional materials (including store displays which, by accompanying pesticide products in commerce, also qualify as labeling). These issues have been raised regarding all 4 of the bear pepper spray products (55541-2, 71545-1, 71768-1, and 71920-1) that were registered by or before early Spring of 1999. (The labeling for 71768-1 turned out to be inaccurate even with respect to the name of the active ingredient contained in the product. A competitor turned them in. EPA took enforcement action and was able to get that product's registration canceled.)

There are a number of existing prohibitions -- (FIFRA, §2(q)(1)(A), §12(a)(1)(E); 40 CFR, §156.10(a)(5) -- against making "False or misleading statements" on labeling. The

statements and graphics found to be objectionable in past reviews of products of this type generally have fallen into the categories listed below.

- "A false or misleading statement concerning the composition of the product" [40 CFR, §156.10(a)(5)(i)];
- "A false or misleading statement concerning the effectiveness of the product as a pesticide or device" [40 CFR, §156.10(a)(5)(ii)];
- "A false or misleading comparison with other pesticides or devices" [40 CFR, §156.10(a)(5)(iv)];
- "Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government" [40 CFR, §156.10(a)(5)(v)]; and
- 5. "A true statement used in such a way as to give a false or misleading impression to the purchaser" [40 CFR, §156.10(a)(5)(vii)].

201.0 DATA SUMMARY

Johnson's comments about the labeling for 71920-1-72007 are enumerated in his letter of 11/12/02. Below, I quote and discuss his comments according to the numbers he gave them.

 "Wisdom is Better than Strength" Ecc 9:16 ---- This is a quote from the bible [sic], possibly indicating that God may be on the side of the user or persuading Christians to purchase this product over competitors.

I feel that references to God should be kept out of the great bear pepper spray wars. As the quote is from the Old Testament, its alleged influence might reach beyond Christians.

I see a minor "competitors" angle to this claim. However, it mainly appears to be intended to mean that it is smarter to repel the bear than to attempt to fight it off, or maybe to shoot it or even to run away from it. If such a thought were expressed without quoting the Bible and were qualified so as not to be an absolute statement (i.e., allowing that strength might be better at times), I would think that it could be put on pesticide labeling. Including all of the appropriate qualifiers might make for cumbersome advertising.

"As seen on the Discovery Channel!" ---- Possibly persuading consumers that this
product is somehow superior because it was televised."

"Possibly", but this one does not bother me very much. We have allowed <u>Good Housekeeping</u> seals to appear on labels for other products. The "Discovery Channel!" reference would seem to be in that same vein. I suppose that one could argue that the reference to the "Discovery Channel" might put the particular bear spray episode within the context of "labeling", but I think that would be stretching things a bit.

3. "The picture of a mauled person and the statement 'a grizzly bear attack survivor' --- This is basically a testimonial and it implies that his product is superior because
he was attacked. The picture and the statement insinuate that his product saved
his lie, when it was actually Counter Assault that was used to safe this person's
life."

The person pictured is Matheny, who has said that the experience of the 1992 attack led to his getting into the bear pepper spray business. At its extremes, that could mean that Matheny was so grateful to be alive that he wanted to spread the Gospel of bear pepper sprays to all of humanity or that he was so upset with the performance of the product (Counter Assault, according to Johnson) that his friend used to save him that Matheny wanted to market a better one. Judging from the content of UDAP's web site (see below), the first of the listed extremes may be closer to the truth. In the past, I have been more tolerant of the picture than of many of the words that were printed near to it.

4. Web site (2 locations) ---- You have told us we cannot list our web site or even our e:mail address on any point of purchase packaging.

I recall having indicated that the Counter Assault web site could not be listed on the label. That is because any document (presumably including electronic documents) to which a pesticide label refers becomes additional labeling (except for certain categories of official publications which would not apply to 72007-1 and did not apply in the specific case of 55541-2). On each occasion that I visited it, the web site for Counter Assault included false or misleading statements.

On 3/20/03, I visited the web site www.udap.com. Although there were systemic problems with the search, I did managed to get into the home page and to use the "Bear Sprays" hot button to avail. Those items were replete with false or misleading statements of the sort forbidden in 40 CFR, §156.10(a)(5), including false or misleading comparisons with other products. Some examples are shown below.

All pepper sprays are not created equal, some have experience! UDAP Pepper Power is manufactured to ISO standards! The highest quality of standards.

[home page]

The Pepper Power Fogger is the most efficient way to dispense large amounts of OC on to a subject in the shortest period of time. The fogger's enhanced range, broad spray pattern and inhalable particle size make it the most effective aerosol tool available to Stop an [sic] bear attack.

["Bear Sprays"]

No Bear Spray Hotter!

["Bear Sprays"]

UDAP might argue that by having the highest claimed concentration of Capsaicin and related capsaicinoids of any registered bear pepper spray and by having a data-supported 30' spray distance, BEARGUARD (aka "PEPPER POWER") truly meets some of the foregoing claims. However, "hotter" seems to imply "better"; and there simply is not enough relevant comparative research information on bear pepper sprays within the capsaicinoid range that is claimed for registered bear pepper sprays to support such an inference.

The home page includes an account of Matheny's ordeal with a grizzly bear. The incident reportedly occurred on 9/25/92. Recalling some of the discussions above, it is interesting to note that the home page quotes Matheny as saying,

"Thanks to God, a friend, and pepper spray, I am still here."

Clearly, UDAP's web site contains false or misleading information. Therefore, references to it should be deleted from the labeling for 72007-1.

The clamshell center insert and the footer both refer to the web site. The references on the center insert directs readers to it if they are seeking "Safety Tips". In the context or bear pepper sprays, such references relate to how one should behave when in bear country and how pepper sprays play a role in personal protection. That is good information for people to have, but it should not be interwoven with false or misleading claims and other dubious statements. We require some information of that sort to appear on labels of bear pepper sprays, but the text is largely limited to when and how the spray should be used.

5. "Self-Defense Use only' ---- Confuses the consumer that this product may be used on people and may be used as a personal defense spray.

The pepper-spray products that people carry to ward off attacks from other people are commonly called "self-defense" products. Therefore, there is some danger that people would also buy this product for use against other humans. EPA does not regulate such "self-defense" products and has not allowed anti-mugger or other anti-human claims to

appear on labels of pesticide products registered to deter attacks by animals (e.g., dogs and bears). There is some potential for voluntary, offensive use of bear pepper sprays (or "self-defense" sprays, for that matter) in the commission of crimes. We must walk a fine line in labeling bear deterrents so as not to encourage such misuse.

The intended meaning of using "Self-Defense Use only" within the context of its bear pepper spray might be that humans should not seek encounters with bears or approach them aggressively just because they are armed with PEPPER POWER. If so, it would be possible to draft an appropriate admonishment. In fact, words to that effect already appear prominently on the accepted canister label ("DO NOT SEEK OUT ENCOUNTERS WITH BEARS ...") and are readily visible though the plastic clamshell.

"When the can is in the clamshell, both sides of labels are not clearly readable to the customer. It is fuzzy and distorted.

As Johnson did not send in a can of PEPPER POWER along with has letter of 11/12/03, I could not assess the validity of his assertion directly until the box of packaged containers, plus Matheny's letter to Jones, came to my attention on 3/24/03. The front panel of the canister is clearly legible through transparent clamshells of the types submitted, but the other two label panels are partially obscured because they fall behind places where the two sides of the clamshell come together. In the packages which come with a "Chest Holster", one of the side panels is further obscured by the presence of the holster in a compartment of the clamshell which lies to the right of the compartment which holds the canister (when its front label panel is facing the viewer).

PEPPER POWER is not the only bear pepper spray product that is sold in clamshell packaging. I believe that I have commented upon the issue of consequent partial obscuring of label text with respect to other products.

With respect to this product, the problem of obscured text could be remedied by repeating all of the most important required label text on the clamshell inserts, by adopting a two-panel label with text that is more readily read through the plastic clamshell, or by putting all label text that is required to be displayed on the front panel. While we have Matheny's attention on the enforcement matter, we should try to fix this alleged problem. As fixing it could require reformatting canister labels or creating new insert labels, I do not think that it could be accomplished until relevant amendments were accepted or at least until a "next printing", which also might be the first printing of labels with UDAP identified as the registrant. Therefore, we may find it prudent to tolerate the current arrangement on an interim basis.

(In stores, I have seen household pesticide products which have little of the required label test visible as the product is offered for sale. The visible portions of labels for such products often refer to attached bulletins -- which most shoppers probably would not

open prior to making a decision regarding purchase -- and bear a great deal of graphic material, promotional claims, and other statements that are not required. That such labels appear in the marketplace probably could be traced to the effects of imaginative marketing departments plus PR Notice 82-2 -- under which EPA does not review or pass judgment on final printed labeling -- and other "benign neglect" policies such as "Notifications" and "Non-notifications".)

7. "UDAP Industries concerned with Your Safety, and the preservation of Wildlife' -- -- We are all concerned with safety and wildlife. If he [Matheny] is so concerned, he should do what we do, donate a percentage of the proceeds to a non-profit conservation group."

Except for paying required fees to EPA, I do not feel that it should be EPA's policy to tell registrants, distributors, or anyone else what to do with their money. As for the statement about "Your Safety, and the preservation of Wildlife", I feel that it is self-serving but also that it implies the reasons for carrying bear pepper spray -- to save yourself and the bear. On balance, I feel that the statement should be dropped.

After listing the statements to which he objects, Johnson adds the paragraph quoted immediately below.

UDAP has used similar text for his [sic] packaging for several years and I assumed that this insert card was EPA registered. Everyone in this business knows that this type of information is unallowable on any point-of-purchase packaging and that all such packaging requires EPA approval. We, therefore, have complied with these regulations. We can only assume that if UDAP Pepper Power, packaged as it is now, is not placed under stop-sale status by the end of January of 2003, it is acceptable for us to make similar statements on our packaging.

From past correspondence, it is clear that Johnson knows that he should "assume" nothing of the kind and that if he were to carry out his threat he would place COUNTER ASSAULT in jeopardy of a stop-sale action with absolutely no hope of successfully pleading ignorance.

However, it appears that the arrival of Johnson's letter of 11/12/03 and/or other communications did elicit enforcement action against UDAP with respect to 71920-1-72007.

The text elements on the clamshell insert to which Johnson does not object are quoted or described below.

"Do NOT store in Hot vehicle or in direct sunlight)".

- 2. "Read Carefully the entire label upon purchase".
- 3. "Be Prepared!" [twice]
- 4. "With Glow in the Dark Safety Clip!"
- 5. "BEAR IN MIND THE INFORMATION."
- 6. "Safety Clip to prevent loss, the safety clip is attached to the handle. Please leave attached".
- 7. The product name "pepper power" [twice]
- 8. "Holster Included"
- "UDAP" with profile of whole bear [twice]
- 11. "#12HP Bear Spray with Holster"
- 12. UDAP's company name address and "800" number
- 13. "Range up to 30 feet (9 meters)"
- 14. "Bear Deterrent pepper spray".

I do not take issue with such text, either. The spray- distance claim is supported by data that Guardian generated and videotaped, submitting both a report and the tape for our review. As used in the context of this product "Safety Clip" is not a safety claim for the product so much as an indication that a contrivance attached to the container is there to prevent accidental firing, as with the "safety" on a firearm. I have verified that the clip glows in the dark, at least it does so shortly after it has been exposed to light.

The packages that came to me on 3/24/03 along with Matheny's letter completely lack center inserts that surround the product canister or the canister plus holster. Those packages do have footers in them.

According to Matheny's letter, UDAP stopped selling "all product" (meaning 71920-1-72007, in context) "effective 03/21/03." Matheny also expresses a desire to get the product back on the market and proposes to delete the "center insert" and to "label over my (post-attack) image on the bottom insert". While contending that "statements and graphics on out center insert" are consistent with "claims approved by EPA on the base label", Matheny states that UDAP will not include such claims in the packaging of the product "until EPA has improved in writing amendments to the primary registration", which UDAP now owns as 72007-1.

As I complete this review, I have not seen proposed amendments to the label for this product.

In addition to what Matheny proposed to "label over" on the footer, he also must cover or remove the reference to UDAP's web site.

202.0 CONCLUSIONS

CC PREG 8

To UDAP

In a letter sent on or about March 21, 2003 to Brad Jones of the Montana Department of Agriculture, you proposed to return this product to the market under its old distributor number ("71920-1-72007") with the current container labeling plus the bottom inserts ("footers") currently being used in various clamshell packaging arrangements with those inserts being modified by deleting the picture of Mark Matheny shortly after he was attacked by a grizzly bear. For reasons explained below, you also must delete the reference to your web site from the bottom inserts and anywhere else that it might appear on your labeling.

Acceptable

Lin the

Future; it

will be

helpful to

Know that we

the consider

those claims

acceptable.)

We recently examined a center insert label for one of the packaging arrangements used for your bear pepper spray when it was sold as 71920-1-72007. We concluded that the items quoted or described below would be have been acceptable on such labeling had the labeling been submitted to us for review.

- I. "Do NOT store in Hot vehicle or in direct sunlight)".
- 2. "Read Carefully the entire label upon purchase".
- 3. "Be Prepared!"
- 4. "With Glow in the Dark Safety Clip!"
- "BEAR IN MIND THE INFORMATION."
- "Safety Clip to prevent loss, the safety clip is attached to the handle. Please leave attached".
- 7. The product name "pepper power"
- 8. "Holster Included"
- 9. "UDAP" with profile of whole bear
- 11. "#12HP Bear Spray with Holster"

- 12. UDAP's company name address and "800" number
- "Range up to 30 feet (9 meters)"
- 14. "Bear Deterrent pepper spray".

Unacceptable. Claims and Graphics

Background

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, prohibits labels and labeling for pesticide products from bearing

any statement, design, or graphic representation relative thereto that is false or misleading in any particular.

[FIFRA, Section 2(q)(1)(A), quoted in part, in combination with Section 12(a)(1)(E)]

In Title 40 of the Code of Federal Regulations, 40 CFR, §156.10(a)(5) lists 10 types of label statements which are categorically considered to be -- against making "Folse or misleading statements". The types of statements and graphics found to be objectionable in past assessments of bear pepper sprays generally have fallen into the categories listed below.

- "A false or misleading statement concerning the composition of the product" [40] CFR, §156.10(a)(5)(i)];
- 2. "A false or misleading statement concerning the effectiveness of the product as a pesticide or device" [40 CFR, §156.10(a)(5)(ii)];
- 3. "A false or misleading comparison with other pesticides or devices" [40 CFR, §156.10(a)(5)(iv)];
- "Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government" [40 CFR, §156.10(a)(5)(v)]; and
- 5. "A true statement used in such a way as to give a false or misleading impression to the purchaser" [40 CFR, §156.10(a)(5)(vii)].

The statements on the clamshell inserts for 71920-1-72007 that we regarded as objectionable (i.e., those which are not indicated above to be acceptable) either fell into these categories of "False or misleading statements" or otherwise were considered to be "false or misleading" in at least one particular. Some of those statements are identified and discussed below.

1. "Wisdom is Better than Strength' Ecc. 9:16". While this statement might often be true, it seems to be used misleadingly here in the sense that it might be perceived as implying that it is always smarter to use this product than alternative approaches such as use of a firearm (strength?) or maybe even a different bear pepper spray (implying that "It's wisest to use UDAP"). The Biblical reference is inappropriate, perhaps implying: "Be smart. Put God on your side."

We understand that your intended meaning might be to imply that it is smarter to repel the bear with a pepper spray than to attempt to do battle with it, to run away from it, or to shoot it. If the text stated that the product provides a way for both the user and the bear to survive and perhaps escape serious harm, we probably would accept it. As always, acceptance would depend on the specific wording proposed.

2. "As seen on the Discovery Channel!"

This phrase could be perceived as implying that your product is better than whatever other products might not have been "seen on the Discovery Channel!" and might possibly put you at some advantage relative to your competitors with people who recall the specific episode or otherwise think well of the Discovery Channel. This one was a narrow call for us.

The picture of Mark Matheny along with the statement "a grizzly bear attack survivor"

As we understand the history of the incident behind the picture, it occurred before any product was registered in the U.S. as a bear deterrent and before any product called "Pepper Power" was sold as a bear deterrent. Therefore, the product used to save Mark Matheny's life could not have been this product.

As presented on the clamshell inserts that we examined (text on the center insert, picture and "BE PREPARED!" on the footer), the picture seems to imply "This is what can happen if you're not prepared." That implication would not be completely correct, either, as the victim in this case reportedly was semi-prepared in that his companion carried unregistered pepper spray and used it to drive the bear away. Therefore, use of the picture without a complete description of the circumstances, including the fact that a different product was used, would be misleading. We also are rather sensitive about allusions on labeling to the period of time during which the registered bear pepper sprays being sold and used were not Federally registered.

4. References to your web site

Under FIFRA at Section 2(p)(2)(B) the definition of "labeling", "all other written, printed, or graphic matter" to which a pesticide label or labeling accompanying the pesticide "at any time" refers becomes additional labeling (except for certain categories of official publications which would not apply to your web site). Although the contents of your web site are stored electronically until someone prints them, they contain "graphic matter" and have "written" portions. In examining the contents of your web site on March 20, 2003, we found a number of false or misleading statements there, including stated or implied favorable comparisons of your products to competitors' products. Therefore, references to the web site on labels or labeling that accompany this product in commerce would misbrand it due to the presence of false or misleading statements in referenced labeling.

5. "Self-Defense Use only"

Although consistent with regard to how one should use the product with respect to bears, the expression "Self-Defense Use" also is consistent with how pepper sprays are supposed to be used against humans. We do not permit any claims or allusions to use against people to appear on labels of bear pepper sprays against. Pepper sprays that are sold for use against humans are regulated by a different agency.

The intended meaning of using "Self-Defense Use only" within the context of its bear pepper spray might be that humans should not seek encounters with bears or approach them aggressively just because they are armed with PEPPER POWER. If so, it would be possible to draft an appropriate admonishment. In fact, words to that effect already appear prominently on the accepted canister label ("DO NOT SEEK OUT ENCOUNTERS WITH BEARS ...").

6. "UDAP Industries concerned with Your Safety, and the preservation of Wildlife"

While this phrase might accurately reflect UDAP's corporate sentiments, use of the phrase on a label seems to imply that such concern might be unique to UDAP among those who market bear pepper sprays. In that regard, the phrase could be considered to be misleading.

We also note that only the front (center) panel of the label is completely visible and able to be read while the canister is in the clamshell. The text on the two other panels of the canister label is partially obscured by the plastic and, in some packaging arrangements, also by the chest holster. Consequently, not all required label text would be

... likely to be read and understood by the ordinary individual under customary conditions of purchase

[Section 2(q)(1)(E) of FIFRA, quoted in part]

use #15

The problem of obscured text could be remedied by repeating all of the elements of required label text that must be visible to the potential purchaser on the clamshell inserts, by adopting a two-panel canister label which allows all required text to be read through the plastic clamshell, or by putting all label text that is required to be displayed under conditions of purchase on the front panel.

[NOTE TO DAN PEACOCK:

I have not gone into detail on what UDAP should do specifically about the obscured text issue because I suspect that some sort to interim fix will be negotiated between Region 8 and UDAP as a condition for putting the product back on the market. You might be involved in such discussions. I would not have to be a party to them as they likely would involve "non-efficacy" issues.]

Reply to Pride Johnson (Counter Assault)

The "UDAP Pepper Power" labeling that you sent to us on November 12, 2002, included some claims that had not been accepted for the product in question. That labeling also referred to a web site which, consequently, also qualified as "labeling" as defined in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, and in its attendant regulations. This material has been duly considered and corrective actions have been undertaken.

We reiterate that the presence of seemingly violative text on a pesticide label in the marketplace does not mean that such text has been accepted by EPA, nor does it mean that such text may be emulated for another product without specific approval by EPA.

William W. Jacobs Biologist Insecticide-Rodenticide Branch March 25, 2003 DP BARCODE: D289071

SUBMISSION: S631786

DATA PACKAGE RECORD

DATE: 03/25/03

BEAN SHEET

Page 1 of 2

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 455 ENFORCEMENT CASE REVIEWS

RANKING : 0 POINTS ()

CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum)

2.0200%

ID#: 072007-00001 BearGuard Bear Deterrent

COMPANY: 072007 UNIVERSAL DEFENSE ALTERNATIVE PRODUCTS (UDAP)

PRODUCT MANAGER: 04 MEREDITH LAWS 703-308-9366 ROOM: CM2 PRODUCT MANAGER: 04 MEREDITH LAWS 703-308-9366 ROOM: CM2
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 282 221

RECEIVED DATE: 03/21/03 DUE OUT DATE: 04/05/03

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 289071 EXPEDITE: Y DATE SENT: 03/24/03 DATE RET.: / CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)

P TYPE: 001

CSF: N LABEL: Y

DATE OUT ADMIN DUE DATE: 04/08/03 ASSIGNED TO DATE IN DIV : RD NEGOT DATE: / / PROJ DATE: 1 1 BRAN: IRB SECT: PM04 REVR : Un CONTR:

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Though I will be reviewing the labeling to see if it conforms to the accepted version, feel free to make any observations (such as the website).

UDAP has removed the main offending insert. He said that "...we will not make any additional claims as a part of our product's distribution or sale until EPA has approved in writing amendments to the primary registration (which was recently transferred to UDAP)." I think that we now have his attention.

I will contacting Tim Osag to make sure that we both know what the other is doing.

STOP SALE:

According to the ltr that I have, "We have stopped the sale of all product, effective 3/21/03."

TIMING OF REVIEW:

I think that we should be able to reply by this week at the

DP BARCODE: D289071

CASE: 064255 DATA PACKAGE RECORD (CONTINUED) DATE: 03/25/03

SUBMISSION: S631786 BEAN SHEET Page 2 of 2

* * * DATA REVIEW INSTRUCTIONS * * *

earliest and next at the latest.

Thanks,

Dan

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC BRANCH/SECTION DATE OUT DUE BACK INS CSF LABEL

DP BARCODE: D287007

CASE: 064255 DATA PACKAGE RECORD SUBMISSION: S625508 BEAN SHEET

DATE: 11/25/02

Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 350 GENRL CORRES REGISTRATION

RANKING : 10 POINTS ()

CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum)

2.0200%

ID#: 071920-00001 BearGuard Bear Deterrent

COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS

PRODUCT MANAGER: 04 MEREDITH LAWS
PM TEAM REVIEWER: DANIEL PEACOCK 703-308-9366 ROOM: CM2 282 703-305-5407 ROOM: CM2 221

RECEIVED DATE: 11/18/02 DUE OUT DATE: 05/17/03

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 287007 EXPEDITE: N DATE SENT: 11/25/02 DATE RET.: / /

CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)

P TYPE: 001

CSF: N LABEL: N

DATE OUT ADMIN DUE DATE: 04/14/03
/ / NEGOT DATE: / /
PROJ DATE: / / ASSIGNED TO DATE IN 11 DIV : RD BRAN: IRB

SECT: PM04

REVR : Lug CONTR:

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Please review the labeling for UDAP that Pride Johnson sent to us.

Thank You,

Dan Peacock, 305-5407

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC BRANCH/SECTION DATE OUT DUE BACK INS CSF LABEL

FAX COVER SHEET 71920-1-72007-5

72067-1



Date: 3-21-03

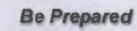
Pages 3 (Including this cover Sheet)

TO: DAN	PEALOCK		F	ROM:	MARK	MATHE	ENY
CO./ DEPT:			r	DEPT: _			
PH#					UDA	P Industri	es
FAX#					1316	0 Yonder R	oad
RE:		_			Boze	man, MT 5	9718
NOTES:	DAN, I	WILL	CALL	You	CONCE	RNING:	THIS.
			_		>		
						773	

PH-406 763-4242

Fax - 406-763-5052

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UDAP Industries

Order Online!



UDAP Pepper Power™ bear spray developer Mark Matheny 20 minutes after the grizzly bear attack that created UDAP industries— manufacturers of a complete system of bear deterrent pepper spray and personal defense pepper sprays with carrying accessories designed for quick access and potent stopping power.

All pepper sprays are not created equal, some have experience! UDAP Pepper Power is manufactured to ISO standards! The highest quality of standards

"Thanks to God, a friend, and pepper spray, I am still here."

click here for Mark's story & photos

Photo taken September 25, 1992 by Mark Matheny's hunting partner Dr. Fred Bahnson. MAME

Mark Matheny President UDAP Industries New Testimonial Click Here.....Yellowstone Park Grizzly Attack!

Welcome

While out bow hunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute, the grizzly charged and mauled Mark two times.

Mark's hunting partner, Dr. Fred Bahnson, reacted immediately, spraying the attacking bear with a very small 4 oz. can of pepper spray. Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bahnson got Mark out of the woods and to the emergency room without further incident.

Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Mark's wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray.

We at **UDAP** Industries believe that **Your Life** is as important to **Others** as it is to **Yourself**. From "first hand" experience, we realize how quickly life can be taken away.

We hope you become familiar with using our product and also the information in this website before you head out into the woods.

It is our heartfelt desire, to not only help you understand the bear, but to also help you learn how to avoid and actually stop a bear attack. Please take to heart the information in this website and also other sources on bear attacks and bear behavior. By reading and practicing the techniques mentioned in this website you can further prepare yourself for the unexpected.

The outdoors is for all of us to enjoy, and with a little practical knowledge, respect for wildlife, and common

WILD ANIMALS ARE UNPREDICTABLE!

Spray Offers 3 Advantages!

- 1. It provides a person with a reason not to run. Running is a behavior which increases a bears natural reaction of chasing and attacking. Not running and holding your ground conveys a message that bears recognize, that of co-dominant unwilling to yield. That gives them pause and buys you time.
- 2. The sudden and loud hissing of the spray and billowing cloud startles bears. This is caused by the high pressure sound and sight that is surprising.
- 3. The red pepper extract is clearly a strong irritant, as observed with bears that have been sprayed. Dr. Herrero, myself, and many others have seen bears sprayed directly with Bear spray and they cough, wheeze, paw their eyes and nose wildly. It does create considerable discomfort in them. Having the effect of stopping the behavior the bear was displaying immediately prior to being sprayed.



Bear Spray



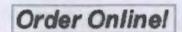












or call 1-800-232-7941 24 Hrs.

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UDAP Industries

13160 Yonder Road Bozeman, MT 59718
pepperpower@udap.com



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<%@ LANGUAGE="VBScript" %> <% Response.AddHeader "cache-control", "private" %> <% Response.AddHeader "pragma", "no-cache" %> <% Response.Expires = 0 %>









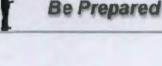
Pepper Spray Information, Education and Products

As seen on TV - Discovery Channel's "How to Survive!"

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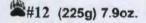


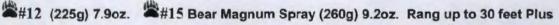


Bear Products









	Item #	Net Contents	Total Size	Description	Go to O Onlin	
	#12	225 g (7.9oz)	8 1/2 x 2 in.	Bear Spray (can only)		
	#12HP	225 g (7.9oz)	8 1/2 x 2 in.	Bear Spray w/Hip Holster	To view	
	#12CP	225 g (7.9oz)	8 1/2 x 2 in.	Bear Spray w/Chest Holster	on Descri	
	#12-I	225g (7.9oz)	8 1/2 x 2 in.	Inert (no pepper)-For training only		
	#15	260 g (9.2oz)	9 1/4 x 2 in.	Bear Magnum Spray (can only)	Click her	
P	1000	260 a		Bear Magnum Spray w/Hip Holster	testimonial	

#15HP	(9.2oz)	9 1/4 x 2 in.		satisfied customers
#15CP	260 g (9.2oz)	9 1/4 x 2 in.	"The 15CP is the best in it's class"	these spray
#15-1	260g (9.2oz)	9 1/4 x 2 in.	Inert (no pepper)-For training only	

DISPERSES THE MOST ACTIVE INGREDIENTS IN THE SHORTEST AMOUNT OF TIM

The Pepper Power Fogger is the most efficient way to dispense large amounts of OC on to a subjet the shortest period of time. The fogger's enhanced range, broad spray pattern and inhalable particl size make it the most effective aerosol tool available to Stop an bear attack. Simply by virtue of it ability to disperse large amounts of OC into the area.

Order Online Specifications 2.0% Capsaicin and related Capsaicinoids Manufactured to ISO standards! The highest quality o. Non-flammable Range up to 30 feet plus (OC) Oleoresin Capsicum - Hot Red Pepper Oil-based for Lasting Airborne Disbursement Powerful dispersion, Shotgun Blast pattern EPA Registered Proven in dozens of wildlife attacks Zero ozone depletion potential Physical Characteristics Glow in the dark Safety Clip 2Q, outside curl, internally lined, seamless aluminum Each can is batch coded and has an Expiration date of Large, rectangular nozzle Liquefied propellant High-emission, fire-extinguisher style spray pattern Highly visible fog High volume Powerful Blast

UDAP Bear Spray Defined

BEAR DETERRENT PEPPER SPRAY ACTIVE INGREDIENTS FACT SHEET No Bear Spray Hotter!

UDAP's Bear Deterrent's active ingredients is measured at 2.0% **C**apsaicin and **R**elated **C**apsaicinoids **(CRC)**. This is the highest % value recommended for Bear Deterrent by the EPA.

Definitions Below

The active ingredients are measured by the actual chemical hotness of the pepper, which is the **CRC**. UDAP's Bear rated at the maximum the EPA recommends, on which is 2.0%. This produces about 3 million **Scoville Heat Units** stopping power. Our Bear Deterrents contain about 10% **OC**. This 10% is a measurement of the OC in the can, no of the spray. The EPA does NOT recognize nor allow labeling the measurement of bear spray hotness by OC or S. The latest most accurate means accepted for evaluating true hotness is by testing the amount of CRCs present in Another way to look at this is: Of the 10% OC --20% are active ingredients

UDAP's personal sprays are rated at 1.34% CRC, which is the same rating as our bear sprays were in the years pi 1999. This produces about 2 million **SHUs** of stopping power. Our personal sprays contain about 10% **OC**, also ag primary deciding factor of hotness in a pepper spray is the **CRC** rating. The active chemicals in OC are <u>Capsaicin</u>: <u>Capsaicinoids</u> (**CRC**), making this the only true determining factor for active ingredients in pepper sprays. Another this is: Of the 10% OC –13.4% are active ingredients

We have chosen the above balances of **CRCs** and propellant for a sophisticated dispersal system in our sprays to ingredients out with a sudden hissing sound creating a billowing pepper cloud that is slow to dissipate, making it a effective means of stopping an attack. We also utilize the most advanced technologies and products in producing deterrents and our personal sprays, in order to generate quality products that consumers can feel secure in using.

DEFINITIONS

CRC – "Capsaicin and related Capsaicinoids" are the chemical components of peppers that make them hot. Meas CRC's is a laboratory conducted and very accurate test for gauging hotness.

OC – "Oleoresin Capsicum" is the oil extracted from the pepper that contains within it the capsaicin and related cap Appearance is a redish brown liquid.

SHU – "Scoville Heat Units" were invented in 1912 by a pharmacist named Wilbur Scoville. These units measure to capsaicin (the chemical that provides the heat) in a pepper. Measuring by SHU's (Scoville Heat Units) is a subjection

PROPELLANT – The liquid propellant 134A is used in all of UDAP Industries' products to ensure a safe and effect discharging the active ingredients in the sprays. Vapor Pressure: 96 lbs. at 77F

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Oleoresin Capsicum (OC) is the oil that comes out of the pepper plant. Capsaicin is the chen measured in the OC. Therefore, the active ingredients are the capsaicin and related capsaicinc bear sprays are approximately 10% OC of 3 million SHU. 20% of the OC is Capsaicin and relacapsaicinoids, making the active ingredient rated at 2.0%. Bear sprays must be between 1.0 2.0% Capsaicin and related capsaicinoids,

INERT (NO Pepper) For Training Only

Practice makes perfect sense!

If you Have not used our products before, you should obtain a UDAP training can at with it until you can perform, quickly and accurately, the activities necessary to Arm and Disarm the product.

You may want to practice actually shooting from your holster with one of our inert c cans have the same spraying power as our regular sprays without the hot pepper. For purposes only, inert cans be purchased at less than half the price of our Bear spray (§

In a bear attack situation, it is easy to panic if you have not been trained ahead how y think and react. Practice what you need to do in different attack situations. Rehearse, friends or family various situations in order to be prepared in a real life threatening & Recently, a mother and her children were able to prevent a possible mauling by holdi encounter drills with her family at home before hitting the trail.

Pretend that a tree or bush is a bear as you come around a corner or over a hill. Now can you get your Bear Spray ready? We recommend that you do this 6 or more times your muscle memory, so that you can respond with reflexes instead of panic.











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UDAP Industries

13160 Yonder Road Bozeman, MT 59718 pepperpower@udap.com



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Revised March 20, 2003

March 21, 2003

Mr. Brad Jones Montana Department of Agriculture Agricultural Sciences Division P.O. Box 200201 Helena, MT 59620-0201

Re: February 24, 2003 Inspection No. 5715

Dear Mr. Brad Jones:

This responds to your request of February 24, 2003, that UDAP Industries provide your office with copies of all records of receipt and shipping and current inventory of UDAP Pepper Power Bear Deterrent Pepper Spray (EPA Reg. No. 71920-1-72007) ("product") from February 24, 2001 to February 24, 2003. Attachment 1 consists of records reflecting the receipt and shipping of product during the referenced time. Attachment 2 is an inventory of product. Please call me 4921 q. 2 if you have any questions concerning this information.

As you are aware, UDAP is a very small business. Our total sales of the product last year and profit were small and modest. Nevertheless, we appreciate that our product is classified as a pesticide and regulated by EPA and the states under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") and state pesticide laws. While we respectfully submit that our product does not contain substantially different claims that those approved by EPA on the product's label (FIFRA § 12(a)(1)(B)) and is not misbranded (FIFRA § 12(a)(1)(E)), UDAP is taking the following steps to address the Agency's apparent concerns:

- 1. We have stopped the sale of all product, effective 03/21/03.
- 2. We propose to resume the sale of product as soon as possible without the center insert in our claim shell packaging, leaving only the bottom insert. We will label over my (post-attack) image on the bottom insert. Thus, the bottom insert will contain the same claims as the EPA-approved label, in addition to product identification information. I am sending to Mr. Peacock, EPA/OPP, today (empty) samples packaged as outlined above. We would ask Mr. Peacock to confirm as early as possible next week that the packaging is acceptable, in order to allow us to begin shipment of our Spring products, as soon as possible.
- 3. Although we do not believe the statements and graphics on our center insert constitute substantially different claims from those approved by EPA on the base label, we will not make any additional claims as a part of our product's distribution or sale until EPA has approved in writing amendments to the primary registration (which was recently transferred to UDAP).

I will shortly call Mr. Tim Osag (EPA Denver person) to discuss a resolution of this matter. I hope you and EPA personnel find the above steps acceptable and a demonstration of our small company's good faith efforts to be comply with FIFRA. Please call me if you have any questions or comments.

Very truly yours,

Mark Matheny

President, UDAP Industries

Cc: EPA Denver person, Tim Osag Mr. Dan Peacock (EPA/OPP) (by fax)

Preliminary Review of UDAP Pamphlet Found in Wyoming by Daniel Peacock, Biologist, Insecticide-Rodenticide Branch, Registration Division August 19, 2005

Background

- Don Terrell, a Region 8 Inspector, E-Mailed this UDAP Pamphlet to me.
- He found it on a shelf next to UDAP Pepper Power Bear Deterrent, EPA Reg. No. 72007-1.
- He found the pamphlet on a recent inspection trip to Riverton, Wyoming.
- According to Mr. Terrell, it consists of five (5) double-sided panels.

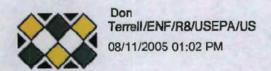
Preliminary review

I made a preliminary review of this pamphlet. The following phrases and associated texts appeared to be false or misleading according to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and associated portions of the Regulations [40 CFR 156.10(a)].

- 1. Wisdom is better than strength (Ecc.9:16).
- 2. Disperses the most active ingredients in the shortest amount of time!
- 3. Preferred by back country profession
- 4. UDAP is Proven to stop aggressive Attacks
- 5. The Right Stuff for Professionals
- 6. Lion Attacks

We had previously reviewed a UDAP brochure as labeling and many terms as advertising. In those and other reviews, we did not allow any of the above claims.

Dan Peacock, USB 512 mb Flash Drive 1, F:\1-7-2005 Backup\Dan's Office Work\A Flash Drive 1\Capsaicin\Review UDAP Pamphlet\Review of UDAP Pamphlet Found in Wyoming, 6-19-2005.wpd



To •Dan Peacock/DC/USEPA/US@EPA

Tim Osag/ENF/R8/USEPA/US@EPA, Eduardo Quintana/ENF/R8/USEPA/US@EPA

bcc

Subject UDAP Pamphlet found in Wyoming

On a recent inspection trip to Riverton, Wyoming, I found this pamphlet available on the shelf next to the UDAP Bear Deterrent. The pamphlet consists of five (5) double-sided panels.



Donald L. Terrell (8ENF-UFO) US EPA Region 8 999 18th Street, Suite 300 Denver, CO 80202-2466 Phone (303) 312-6482 FAX (303) 312-6409 review of brochuse
8-19-2005

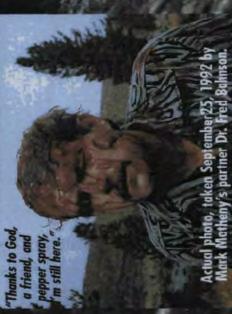
NETH MEINERS SI MODSIM STRENGTIFIE

concerned with your Safety, and the preservation of Wildlife.

UDAP Industries

BE PREPARED!

Bear Spray with experience



UDAP Industries, Since 1994 Mark Matheny, President A Grizzly Attack Survivo For full story visit:



Disperses the

ingredients in

the shortest

amount of

most active

Manufactured to Non-Flammable Highest Quality of Standards 1006 051

EPA Reg. #72007-1

UDAP IS Proven to stop aggressive Affac

Professed by back, examiny profes

- soch sticnted oil bose fermio

30 Foot Fog

Cresses over the Carpellas border

Bear Sprays Registered for Both U.S. and Canadi



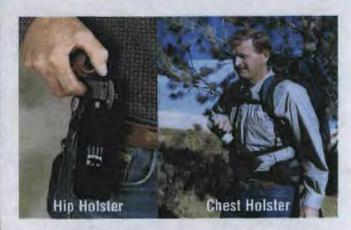
UDAP IS Proven to stop aggressive Attacks!

- Works on all hear species.
- Non-lethol
- · Effective range up to 30+ feet
- Powerful Blast Fog gattern
- . Affects easy make and larg traces entently . Gloss-to-the-dark surfery clip.

- All holsters designed for immediate coors
- · Preferred by back country professionals
- · Proven in divzers of wildlife attacks
- · Nor-florenshie

Spray Offers 3 Advantages!

- 1. It provides a person with a reason not to run. Running is a behavior which increases a bears natural reaction of chasing and attacking. Not running and holding your ground conveys a message that bears recognize, that of co-dominant unwilling to yield. That gives them pause and buys you time.
- 2. The sudden and loud hissing of the spray and billowing cloud startles bears. This is caused by the high pressure sound and sight that is surprising.
- 3. The red pepper extract is clearly a strong irritant, as observed with bears that have been sprayed. Dr. Herrero, myself, and many others have seen bears sprayed directly with Bear spray and they cough, wheeze, paw their eyes and nose wildly. It does create considerable discomfort in them. Having the effect of stopping the behavior the bear was displaying immediately prior to being sprayed.



UDAP's Unique shoot from the Holster Designs!

Our state-of-the-art Chest Holster system is the best in its class. Three easily adjustable straps are designed to fit chest sizes 32 to 54. Our Chest Holster provides the most comfortable and efficient means of carrying pepper spray available today. In addition to providing quick-draw access and a comfortable means by which to carry pepper sprays. Our holster prevents the can from twisting, allowing it to be pointed in a ready position away from you. UDAP holsters are extremely effective and built with integrity for many years of service.

WHAT CAUSES A BEAR TO ATTACK? COMMON REASONS

Four situations that are most likely to cause a bear to attack. By knowing what they are we can work to avoid petting into these types of situations.

- 1. When a person encounters a protective sow with cubs. An average of 78% of all attacks are related to these encounters.
- 2. When a bear is surprised, or startled.
- 3. When a human gets too close to a bear's food supply.
- 4. Predatory Bear. (Intends to eat you).

Regardless of the situation, surprise is one of the leading causes of bear attacks. A surty solitary bear, who is startled by a hiker on a trail, may run away or aggressively confront the hiker. Most injury



encounters with bears occur when the person gets within 55 yards before the bear is aware of his or her presence.

UNDERLYING CAUSE OF BEAR ATTACKS

Bears strack other bears, other animals, and people because they have genetically programmed types of aggressive behaviors that pertain to population, regulation, survival defense, and predatory aggression. This doesn't mean that there aren't other factors involved in some attacks, or that people don't contribute to some attacks. Bears seem to experience moods much like we do; they can be shy, curious, aggressive, and can possess other attributes that we can identify as humanlike. Each time you get close to a bear, you encounter a specific individual that may behave differently from any other individual you have ever met before or will ever meet again.

USE OF PEPPER SPRAY

Wisdom is better than strength. This product is not a substitute for caution and common sense. In the pursuit of your activities don't be prey for an attack, stay alert, and he prepared with confidence and peace of mind by having easy occess to any of our Peoper PowerTM products.

Return Policy

ALL merchandise being returned must be authorized within 15 days of purchase by UDAP Industries (Office 406-763-4242). A restacking charge of 15% will apply to all returned merchandise. Restocking fees do not apply to errors in your order we have made or replacements of a defective product.

-Return Merchandise Authorization Humber

You must get this number from UDAP Industries and be written on the invoice and the outside of the shipping box.

Be sure to put a copy of your invoice inside of your return. Repack the merchandise with shredded paper, peanuts or crumpled paper. with shredded paper, peanuts or crumpled paper.

Mark Mothery was attacked by a female grizzly bear on a main trail. In less then half a minute, the grizzly charged and mauled Mark two times.

Mark's hunting partner, Dr. Fred Bahnsen, reacted immediately, spraying the affacking bear with a very small 4 oz. can of pepper spray. Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bahnson got Mark out of the woods and to the emergency room without further incident.

Mark suffered extensive bite lacerations to the head and next, superficial bite lacerations to the right error, and also to

the left unterior chest. He stayed conscious, but lost approximately one unit of blood.

Marks wounds would have been much worse, if no faid, if his hunting partner would not have had the can of segmentary.

Mark's experience changed his life. Since then, he has dedicated himself to improving a product designed to safeguard people against maulings, and to help them better coexist with wildlife. In a short time, Peopler Power'M cans have generated dozens of testimonials from grateful customers.

Visit our wabsite at www.udap.com for the latest stories from actual encounters and more!

Where should the sproy be aimed before firing?

Always aim for the face of the attacker since this is where many of the mucaus membranes affected by the papper are located.

Aim slightly lower than you think because bears usually come in with their heads in a low position, also to compensate for the bellowing effect of the spray.

Once the can is sureyed, can it he used again?

Yes, as a metter of fact we recommend you give each new can a short, 1/2 second test firm. He save to do this away from halldings, people and pats. (Spray downwind)

How can I get my Peoper PewerTM Secr Deterrent to where I'm going if I'm flying to my distinction?

You may call ahoud for local dealers at your destination. UDAP can also drop ship to any U.S. destination including Alaska with a UPS address. (406-763-4242 shipping price quate) Or you may ship it yourself UPS Bround only.

IS UDAP Pages PowerTM Beer Deterrept legal to cross the Canada/US Border? Yes, You may now cross the border with Registered Bear Deterrents.

Can I leave my pepper spray is my vehicle?

Do not expose to heat or flame or store above 120° F/49° C.
We recommend using pepper spray case. (see accessories)
Do not leave beer spray in a hot vahide or in direct sunlight.

Hoodle with care, treat this product as a weepon.

- People with brunthing disorders may want to be especially careful when test firing this product.
- · Read the entire label on can.

for Mara information plants visit car was site. WWW.udap.com

I went claiming with some friends in the Adirondacks in New York. It was a remote area, which was recently opened to the public:

At first, my friends thought I was ridiculous for bringing UDAP bear spray. I told them we would definitely see some black bears and it turned out to be the truth. One night, I went to the tent early and was awakened by one of my friends who yelled, we have a bear in our camp. I thought it

was a joke at first and this went on for a few minutes. After a short period of time, the other friend started to yell, "Get out of here bear" and was banging a cooking pot with a stick. The bear had two cubs with her and was very aggressive. She was snarting and growling at us while we made noise. She charged us a couple of times coming within about 5ft of us. She was not about to let us get in her why. I boilted out of my tent with a 260-gram can of UDAP bear apray and approached the bear. She was a big fernale, approximately 325 pounds or so, and had climbed the tree, tore down our food bags and had one in her claws and laws.

We got within 25 feet and just pressed on the bear spray can for 2 seconds. The pepper spray shot out 30 feet, hit her in the face and she immediately took off running in the opposite direction. Needless to say, the entire group, including some of our kids, all wished they had brought a can of bear spray. The bear had even left her cubs in a near by tree for three hours and when she did come back for them, she definitely stayed out of the perimeter of our camp, not wanting to be sprayed again. Once she got her cubs to come to her, we never saw her again.

We are headed to the Lamer Velley in Vellowstone National Park this August and we all are carrying the large confision on our hip. Thanks for the great product!

Best regards, Steve

"I can do off

things through

strenathers me."

Christ who

Phil 4:13

"We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife!"

Have confidence and peace of mind by having easy access to any of our Pepper Power products.

FROM THE MOST COMPLETE
LINE OF BEAR DETERRENTS AND
HOLSTERS IN THE INDUSTRY, TO
OUR JOGGER FOGGER AND
OTHER SELF DEFENSE SPRAYS,
UDAP HAS PROVEN TO BE THE
PACE SETTER FOR THE PEPPER
SPRAY INDUSTRY!

www.udap.com
or CALL US TODAY AT:

1-800-232-7941

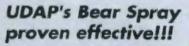












"We insist all of our guides and hunters carry peoper spray with them at all times. Twice during the past two hunting seasons. I have been charged by full grown arizzly bears. Both times, I know I could never have fired quickly nor occurately with my handgus. Both times I used Pepper Power, Both cruzzly bears were coming at full charge. Each time, it was as though they had hit a brick wall when they charged into the log of the Popper Power spray! The cost of corrying and using Popper Power is the best investment Nate Vance, autitimer - Teton Wilderness Outlitting, WY

The Right Stuff for Professionals

"The Teton Park rangers, Yellowstone National Park crows, Glacier National Park rangers - to mention a few all pack Mark's bear spray (UDAP Proper Fower)." - The Right Sauff - 1997

Pepper Power, Better than a Bullet

"On June 28, 1998, my buddy, Cary Nuss, and I were hiking in the wilderness area near the East Entrance of Yellowstone National Pork. We had been backpacking for three days and were making our way back to the Ellis Fork Trailhead where our vehicle was parked. At 11:00 A.M. we ran into a sow grizzly with two very large cubs. We saw the cubs just as we broke into a small dearing. They were about 40 yards away. The cubs immediately ran away. As they were running away, the saw stood up to get a better look at us. When she saw us, she dropped down on all fours and charged, I usually carry both the magnum UDAP Popper Power and a .44 magnum pistol. Cory did nor have either one, so he carried my bear spray, just in case. The sow was 10 feet away when Cary sprayed her. She immediately hit the brakes and wheeled away. I was just about to shoot her when Cory sprayed her. There is no doubt in my mind that the bear spray saved the bear from being shot, and prevented serious injury or worse to Cary and myself. I am a true believer in your product. I spend many days a year hiking and hunting in grizzly country and I no longer go anywhere without your product. Also several of my hierds have "invested" in a can of UDAP bear severy. Thanks for such a great product." - Juff Buduingham, Powell, WY

Lion Attacks

From the book "Self Defense for Mature Lovers" by Mike Lapinski, Stoneydale Press. (Call UDAP at 1-800-232-794) to order book)

"I firmly believe that every traveler in lion country should carry pepper spray - even the kids! I furnished my seven year old grandson, Tommy, with a can of UDAP peopper spray. He's boas instructed on how to use it, and how it will really hurt him if he gets playing with it and academially sprays himself. I've never heard of a kan receiving a blast of the hat pepper and continuing forward. The one appressive lian that I hit with

peoper spray disappeared in a blar! The combination of noise, and the instant arange ball with its fiery effects are just too much for the nervous feline. And if a lian should attack and have a person down in your laking group, get over these quickly and spray that lian before it inflicts any more damage to its victim. At this stage, a little hat pepper that hits a person in the jaws of a lian is the least of their

Survival Training Instructor

"Rest assured that the audiences that I speak to each year will be fully owers of the benifits of carrying UOAP products not only in the back country but also as a means of deterring attacks in urban settings as well. As usual UDAP



Defense

Human-Bear Encounter EPARIS, No. 72007-1



Mark Matheny <markm@udap.com>

08/17/04 02:58 PM Please respond to Mark Matheny To: Undisclosed-Recipient:;
cc:
Subject: Was using UDAP Pepper Power Bear Spray! (she carried a 12HP)

Grizzly spooks horse, rider near Big sky

By JOAN HAINES Chronicle Staff Writer

A woman had a run-in with a grizzly bear sow and her cubs in the Porcupine Creek area near Big Sky in early August, <u>but because she carried pepper spray</u>, <u>walked away without injuries</u>.

The brief attack occurred Aug. 5 in the Grizzly Loop section of the Porcupine Creek drainage, said Jenn Jillson, 24, assistant head wrangler at the Lone Mountain Ranch.

Jillson had dismounted from her horse to look for a pack that a ranch guest had dropped. She was holding the horse's reins.

The bear stood up in the grass.

"It spooked my horse," Jillson said in a phone interview Friday. "(The horse) spun and knocked me over. The bear was charging towards me. It was on top of me before I could get up. It was standing on my right leg. Its ears were back and its lips were curled.

"At the same time, I got my bear spray out of my belt and was able to spray the whole bottle in her face."

The bear and her cubs ran off. But the wind carried the pepper spray into Jillson's face, and she said she couldn't see for awhile and was having problems breathing.

However, Jillson said she got up and ran away.

The bear had torn her bluejeans, but never touched her leg.

She radiced the ranch and, after finding her horse, met coworkers at the trailhead.

"She was fortunate," said Kevin Frey, grizzly bear specialist with the Montana Department of Fish, Wildlife and Parks.

The wind was blowing and had kept the bear from smelling her presence until they saw each other.

"Those things are really hard to avoid, "Frey said. "The wind was working against her."

At this time of year, grizzlies and black bears are searching for food and sometimes that puts them in close proximity to people. They'll be looking for food harder as summer turns to fall, trying to put on fat in preparation for hibernation.

"Bears are going to do nothing but get more active as fall comes on," Frey said. "Bears eat everything in sight on their quest for calories."

Black bear sightings have recently been reported in the Bridger Mountains, near Big Sky, in the Madison River Valley and the Ennis area, Frey said.

Keep tempting garbage away from bears, he advised. Also make sure bird feeders, pet foods and horse feed are out of the bears' reach.



Bill Jacobs

08/18/04 02:54 PM

To: Dan Peacock/DC/USEPA/US@EPA

cc:

Subject: Re: Fw: Was using UDAP Pepper Power Bear Spray! (she carried a

12HP)

Be sure to print a copy for the Pepper Power jacket.

Dan Peacock



Dan Peacock

To: Bill Jacobs/DC/USEPA/US@EPA

CC

08/18/2004 01:35 PM

Subject: Fw: Was using UDAP Pepper Power Bear Spray! (she carried a 12HP)

FY

Thank You,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) 1200 Pennsylvania Ave. NW Washington, DC 20460

Tel: 703-305-5407 Fax: 703-305-6596

E-Mail: peacock.dan@epa.gov

····· Forwarded by Dan Peacock/DC/USEPA/US on 08/18/04 01:38 PM ·····



Mark Matheny <markm@udap.com>

РМ

08/18/04 01:22 PM Please respond to Mark Matheny cc: Subject: Re: Was using UDAP Pepper Power Bear Spray! (she carried a

To: Dan Peacock/DC/USEPA/US@EPA

12HP)

Dan, We contacted her and talked to her. The 12HP is the item number for the 7.9oz. Bear Spray with Hip Holster.

Make it a Great Day!

Mark

Mark Matheny President

UDAP Industries, Inc. PepperPowerTM Bear & Personal Defense

markm@udap.com

(406) 763-4242; (406) 763-5052 fax

```
---- Original Message ----
From: <Peacock.Dan@epamail.epa.gov>
To: "Mark Matheny" <markm@udap.com>
Cc: <Jacobs.Bill@epamail.epa.gov>
Sent: Wednesday, August 18, 2004 11:07 AM
Subject: Re: Was using UDAP Pepper Power Bear Spray! (she carried a 12HP)
>
>
 Mark,
> Thank You
 How did you identify the product as yours?
> What is a "12HP"?,
> Daniel B. Peacock, Biologist
> Insecticide-Rodenticide Branch
> Registration Division (7504C)
> 1200 Pennsylvania Ave. NW
> Washington, DC 20460
> Tel: 703-305-5407
> Fax: 703-305-6596
> E-Mail: peacock.dan@epa.gov
>
>
>
                         Mark Matheny
                         <markm@udap.com>
                                                    To:
Undisclosed-Recipient:;
                         08/17/04 02:58 PM
                                                    Subject: Was using UDAP
Pepper Power Bear Spray! (she
                         Please respond to
                                                     carried a 12HP)
>
                         Mark Matheny
>
>
>
>
> Grizzly spooks horse, rider near Big sky
> By JOAN HAINES Chronicle Staff Writer
> A woman had a run-in with a grizzly bear sow and her cubs in the
> Porcupine Creek area near Big Sky in early August, but because she
> carried pepper spray, walked away without injuries.
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460



OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

305 5-761926

Bear Salety Rocher

July 19, 2004

Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59718

Attention: Mr. Mark Matheny

Subject UDAP Pepper Power Bear Deterrent

EPA Reg. No. 72007-1

Review of "Bear Safety Tips" Brochure

Our letter of May 19, 2004 and you letter of June 2, 2004

Purpose The purpose of this submission was to submit final printed labeling for

your "Bear Safety Tips" Brochure.

Label The labeling submitted with the above letter, under the Federal Insecticide,

Fungicide, and Rodenticide Act (FIFRA) is acceptable, A copy of the stamped label is enclosed. **Note:** we last approved, with comments, other labeling for this product (can label and clamshell labeling) on December 4,

2003.

Questions If you have questions about this letter, please contact me at 703-305-5407

(by phone), 703-305-6596 (by fax), or peacock, dan@epa.gov (by E-Mail).

Sincerely yours,

Dep

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

Letter Dan Peacock, Disk148,A:\Capsaicin\72007-1, Bear Safety Tips Brochure,

final version, 7-15-2004.wpd

ACCEPTED

JUL 19 2004

Under the Federal Insecticide, Funsicide, and Rodenticide Act, as amended, for the pesticide registered until PREPARED!

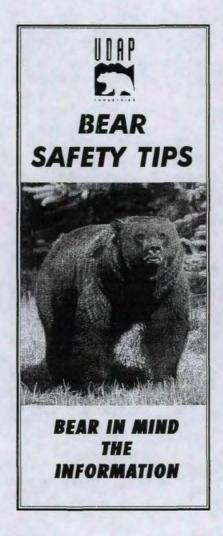
72007-1

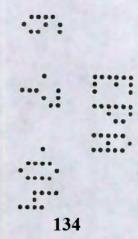
The booklet contains good information on how to avoid encounters with bears before they happen as well as information on how to defuse aggressive confrontations with Bears and they occur. Knowing how to properly use defensive equipment is extremely important when dealing with potentially life threatening situations. I believe this booklet will contribute to the reduction of aggressive confrontations between bears and humans, will help reduce the number of bear inflicted human injuries, and will also reduce the number of self defense kills of bears by autdoor recreationists, thus benefiting both people and bears.

Sincerely,
Kerry A. Gunther

UDAP Industries, Inc. P. O. Box 10808 Bozeman, MT 59718 1-800-232-7941 PepperPower@UDAP.com

Bear Management Specialist Yellowstone National Park





100s e 1 JUL

THANK YOU!

We would like to thank you for purchasing our product and Being Prepared with Bear Defense Pepper Spray. We also hope that this booklet and UDAP Bear Deterrent will be instrumental in helping to safeguard your life. We at UDAP Industries believe that Your Life is as important to others as it is to yourself. From "first hand" experience, we realize how quickly life can be taken away. We hope you become familiar with using our product and also the information in this booklet before you head out into the woods.

It is our heartfelt desire, to not only help you understand the bear, but to also help you learn how to avoid and actually stop a bear attack. Please take to heart the information in this booklet and also other sources on bear attacks and bear behavior. By reading and practicing the techniques mentioned in this booklet you can further prepare yourself for the unexpected.

The outdoors is for all of us to enjoy, and with a little practical knowledge, respect for wildlife, and common sense, we can all have a more safe and pleasurable experience.

From all of us at UDAP Industries

Get out there and enjoy the great outdoors!

"We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife. From people who know what's important! YOUR LIFE!!!"

For further information on camp setup, food storage, etc., Contact:

Park, Game & Fish, and Forest Service officials familiar to the area you plan to be in.

A Special Note to our Customers:

As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper PowerTM use against bear attacks Please send to:

UDAP Industries, Inc P. O. Box 10808 Bozeman, MT 59719

1-800-BEAR 941 (800) 232-7941



BOOKS WE RECOMMEND

BEAR ATTACKS

Who Survived and Why by Mike Lapinski To order: 800-232-7941

Mark of the Grizzly by Scott McMillion Folcon Publishing, Inc. Bear Attacks by Stephen Herrero Lyons & Bruford, Publishers

Self Defense for Nature Lovers by Nike Lapinski Stoneydale Press Publishing, To order 800-232-7941

> Bear Attocks by Kathy Etling Safari Press, Inc.

Bear Attack VIDEO Stoney Wolf Productions 1-800-232-7941

28

BEAR SAFETY TIPS

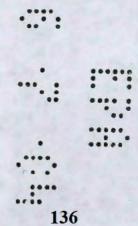
Traveling in bear country can be quite exhilarating. Although most encounters can be avoided, there is always a chance of encountering a bear. The following is a compilation of the latest information collected from various wildlife specialists, bear encounters, and articles featuring bear encounters. Although nothing is 100% guaranteed effective, here are some tips that might prove to be useful in an encounter.



Grizzly bear coming out of woods onto trail in Western Alberto, Canada. Note the ears laid back. This bear is showing signs of agitation. This is when you need to be prepared and well reliearsed on what to do!

BE ALERT IN BEAR COUNTRY

- Always have UDAP Pepper Power in its holster ready for immediate use. Don't bury it in your pack!
- Be clert in bear country especially where recent bear activity has been documented by park officials, fish & Game, and other public service people. Some common areas bears like to frequent are: avalanche chutes, streambeds, dense edges of cover and, in late summer, berry patches.



- · Avoid traveling on trails at night or at either end of day.
- Be careful with food smells never cook close to camp.
 Store all foods in plastic away from camp at night and when camp is unattended. We suggest at least 100 yards from camp and at least 14 feet up a tree hung 4 feet away from the trunk.
- Watch for fresh bear sign (scat or bear tracks) on the trail or near possible compsites.
- If possible, make plenty of noise on the trail, especially on blind curves, in dense vegetation or areas with limited vision.
- Be conscious of the wind bears have an excellent sense of smell. If the wind is at your back, chances are a bear will smell you and leave the area well before you reach it. If the wind is blowing in your face, your chances of an encounter greatly increase. Also, in high wind situations or along creeks and streams, a bear might not hear you coming or you might not hear it.
- Dead animal carcass If you come upon a dead animal carcass, immediately leave the area. Bears will often feed on a carcass for days and also stay in the area to protect their food
- Bear cubs If you see a bear cub, chances are the sow is not far away. Fernale bears will fiercely defend their young. We advise leaving the area and find an alternative route.
- Keep dogs under control-dogs can lead an angry bear back to you.
- Avoid traveling alone in bear country. Invite a friend.
 We suggest traveling in groups.

HOW DOES IT WORK?

Bear Spray has three advantages for the user:

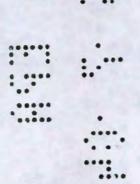
1) It provides the person with a reason not to run. Running is a behavior which, increases a bear's natural reaction of chasing and attacking. Not running and holding your ground conveys a message that bears recognize, that of a co-dominant unwilling to yield. That gives them pause and buys you time

2) The sudden and loud hissing of the spray and billowing cloud startles bears. This is caused by the pressure of approximately 96 lbs. at 77 F, making a sound and sight that is surprising. They halt and again this buys you a bit of time (at least for those encounters where you have some space between you).

3) The red pepper extract is clearly a strong irritant, as observed with penned and wild bears that have been sprayed. Dr. Stephen Herrero, Mark Matheny, and many others have seen bears sprayed directly with bear spray and they cough, wheeze, paw their eyes and nose wildly. It does create considerable discomfort in them, having the effect of stopping the behavior that the bear was displaying immediately prior to being sprayed.



2



WHAT ABOUT HUNTING IN GRIZZLY COUNTRY?

Sportsmen, who harvest big game animals in grizzly country, should be aware that the sound of a gunshot might sound like a dinner bell to a wandering grizzly. Some hunters trocking down their "trophy elk" can be quite surprised when they find a grizzly has beaten them to it. Many hunters, who have killed animals and returned the next morning to pack out the meat, have been suddenly confronted by an aggressive bear that had claimed the kill overnight. Hunters who make a kill in grizzly country should make lots of noise as they carefully approach the carcass. They should also try to view the carcass from a distance to see if a grizzly is guarding it. The blood and gore at a kill site may attract a keen-nosed, opportunistic grizzly. If a kill site appears disturbed, but no bear is seen, it's best to back off because the bear may be lying in cover nearby. A bear on a kill may refuse to back off, even when shots are fired into the ground nearby, and many sportsmen have been forced to relinquish their horvested game animal to a protective bear guarding it's food supply. Smart sportsmen who harvest big game animals in grizzly country try to pack out the meat the same day of the kill, or they carry the quartered carcass to a safe spot a few hundred yards from the bloody kill site and then hang the quarters high



From a Hunter to a Hunter

<u>UDAP</u>

Bear spray works

26

PRIME BEAR HABITAT

Avoid areas that bears like and you can reduce your chances of an encounter. If you can't avoid these areas, be extra cautious and alert when traveling through them. Bears like to travel on soddles, ridges, game trails and along water. They'll eat dead animal carcasses wherever they can find them. They feed on green grasses and also vegetation that grows in wet areas. They often rest in cool, dark, thick forests during the day. Grizzly bears are typically, but not exclusively active during the dawn, dusk, and nighttime hours. In spring and early summer, bears are often found in lower elevations along rivers and streams. They love to catch fish when the spawning runs are going. They will also search for winter killed animals in these areas.

In the summer, bears usually spend time at higher elevations, often in park like areas. They'll eat wild berries when they are ripe. If you like to go out wild berry picking, be extra careful, make lots of noise and keep children near you at all times.

In the fall, bears are often found in white bark pine stands eating pine nuts. Sametimes a bear will dig around a tree to try to larate a squirrel's coche of nuts. Bears also dig for roots in mid-elevation meadows, especially in years when there are fewer pine nuts.





A bear feeding on on elk carcass will feel threatened by your presence. Try to leave the wea undetected. (Photo of Black Bear)

BE AWARE OF RECENT GRIZZLY BEAR ACTIVITY

Always check with park officials, rangers, or other authorities regarding the area you intend to travel for possible bear activity. Always make sure others know where you are going to be in the backcountry. Learn to identify the signs of bear activity and avoid using these areas. Typical signs of grizzly bear use include: fresh tracks (a grizzly's daw marks extend further away from pods than black bears), scat greater than 2 inches in diameter (most likely a grizzly's), areas where the ground may be torn up from bears scavenging, and partially consumed or buried animal carcosses.

- Test fire downwind outside-pointed safely away. Contents may travel and/or linger longer than expected. Using a quick holf-second burst will increase safety and confidence with this product.
- Safety Clip To prevent loss of safety clip, we attach
 the safety clip to the handle. (Please leave attached)
- Holsters The holster helps keep Bear Deterrent handy. Our holster allows the can to be pointed in a ready position away from you. UDAP holsters are built for many years of service.
- Quick Silent Access Do not carry Bear Determent in your pocket, fanny pack, or backpack. For quick silent occess in a close encounter attack, it is best to carry Bear Determent on your hip or chest. This allows you to shoot from holster if there is no time to draw.
- Loose Clothing Keep loose clothing and other objects out of the way.



WARNINGS

- · Keep out of reach of children.
- Powerful inflammatory agent.
- Avoid accidental contact with eyes, skin, mucous membranes, and respiratory system.
- In case of external contact, wash thoroughly with cool water. Do not apply salves, oils, or creams. Expose to fresh air. Do not rub. Symptoms wear off in about 45 minutes. Should symptoms persist coll a physician immediately.
- · Unlawful to carry on any possenger aircraft.
- Do not expose to heat or flame or store above 120°F/49°C
- · Do not puncture or incinerate.
- Do not leave in a hot vehicle or in direct sunlight.
- Handle with care, treat this product as a weapon.
- People with breathing disorders may want to be especially careful when test firing this product.
- Read the label on the can for additional information.

Bears seem to experience moods much like we do; they can be shy, curious, aggressive, and can possess other attributes that we can identify as humanlike. Each time you get close to a bear, you encounter a specific individual that may behave differently from any other individual you have ever met before or will ever meet again.

BEAR BEHAVIOR

Grizzly attack victims are often not aware of why they were attacked. Many attacks are caused by close encounters, where the bear has been surprised and feels threatened by human presence. A female with cubs will be especially aggressive and will defend her cubs from any possible threat. Many attacks can be avoided if the bear sees a way out of the situation. Bears are basically solitary animals. Each has its zone of danger, or personal space, which varies from animal to animal. If something or someone penetrates this zone, a response in the form of a bluff charge, bodily contact, or outright attack may result. Often times grizzly bears will essentially ignore people until a person enters into a bear's "personal space". Even groups as large as 100 people have been ignored by grizzly bears until one of the group gets too close. Most bears are firmid enough to flee a possible encoun-ter if they sense the presence of something or someone soon enough to leave the area undetected. On the other hand, when a bear is surprised, the bear may see you as a threat, forcing an immediate response. A person who runs when frightened by a bear may trigger a chase response. One bear will even chase another if it runs. Bears that stand their ground when confronted by other bears usually aren't attacked, and bears that behave submissively have a lower incidence of being attacked as well, they simply try to remove a perceived threat.

The injuries that occur are more a function of what the human does to resist rather than what the bear is capable of doing. Of course, a grizzly entering a tent represents a predatory event, which is behaviorally very different than a close encounter situation. Young grizzlies can pose another danger. Often these bears have just left their mother and rank low on the hierarchical scale. Larger, more dominant bears often push these juveniles into marginal habitat. To survive, young bears do a lot of exploring. If these bears start using campgrounds as foraging areas, they may quickly become dangerous to people camping in them. In extremely rare instances, young grizzlies will even key onto people as potential prey. Black bears seem to rely more on sheer bluffing than on charging and mouling. Those rare instances in which a black bear presses an attack can probably be grouped into two categories: First, a female protecting her cubs, particularly if she is also habituated and food-conditioned; or second, a bear that has no experience with humans and may regard them as possible prey.

BODY LANGUAGE OF BEARS

A bear that stands on its hind feet is usually just trying to get a better look and smell by sniffing the air. This is not an aggressive posture in and of itself. It simply means that the bear is unsure of what is in front of him, but still could drop on all fours and charge. A bear that swings its head from side to side, or turns sideways from you, is expressing a reluctance to charge and is looking for a way out of the situation. If a bear looks you in the eyes directly and has its ears back, it's warning that you are too close and feels threatened.

(As seen in photo 1)



BEAR SPRAY

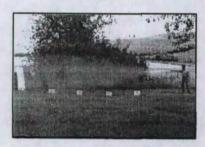
Wisdom is better than strength. This product is not a substitute for coution and common sense. In the pursuit your activities, don't be prey for an attack, Stay alert, and be prepared by having easy access to our *Pepper Power* in Bear Spray product.

In any kind of attack situation you have to react under pressure. Attacks can be fast, aften leaving you no time to think, only time to react. We strongly recommend you take time to familiarize yourself with this product's operation.

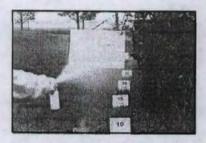
READ CAREFULLY THE ENTIRE LABEL ON THE BEAR SPRAY CAN

If a bear is charging, begin spraying when it gets within 40 ft./12 m It will run into the fug. If a bear is coming at you along with a strong wind, you may wish to wait until it is quite dose before spraying, and then move away from area of discharge to avoid exposure to spray.

UDAP Bear Spray Distances



Targets shown in windless spraying conditions: 10 ft./3.05 m, 15 ft./4.57 m, 20 ft./6.1 m, 25 ft./7.62 m & big target at 30 ft/9.14 m. (All hit by spray)



Distances will vary in different wind conditions, also the number of one second bursts available as per the size of can you have. Please read the label of the particular can you have purchased to familiarize yourself with its capabilities. A bear may also make barking, woofing or mooning sounds to indicate this. If a bear "pops" its jaws, it is very agitated and most often will charge. Charges are often a test to resolve a siruation and are often "bluff charges" where the bear stops short of you, veers off and runs right post you. A bear might bluff charge many times before leaving. A bear may also bluff charge a few times and then come at you at a different angle.

A bear that does charge, and knocks you down, is attempting to remove a threat. The bear will use, as much force as it believes is necessary to remove that threat.



A bear can instantly reach speeds of 30 to 35 miles per hour in a matter of a split second and can cover 50 yards in less than three seconds! Never try to outrun a bear, it will only make matters worse.

BEAR ENCOUNTERS ON THE TRAIL

- · Stop, stay calm and quiet, and make no sudden moves.
- Break eye contact if a bear is acting aggressively. Do not stare in the bear's eyes, as that could be a sign of aggression.
- Stand your ground do not turn your back on the bearsometimes a bear will bluff charge several times. Have your bear deterient ready, but do not spray unless you are sure the bear is close enough to spray in the face.
- Look for signs of agitation and aggression When a bear is standing on its hind legs, it is usually just trying to get a better look and smell of you. When a bear is upset it may:
- · have it's ears back
- · lower it's head and swing it from side to side
- · paw at the ground
- -make huffing or woofing noises
- snap it's teeth
- ·or not show any signs at all, and just drop and charge with no warning
- Bock away slowly, speaking in a calming, monotonevoice you want to show the bear that you are being submissive and want to get out of "It's" territory. Do not turn your back and always have your Bear Spray leady.
- If the bear comes at you spray the bear determent airning for the bear's face or spray a fag out that the bear has to run through to get to you. Never run from a bear!!

And there are numerous reports of people using bear spray around their camps and tents like a general repellent, such as citronella. This is an incredibly bad idea as some bears, being naturally curious and always looking for an easy meal, are lured by practically anything. Just as humans like the spice of cayenne pepper in food, some bears, finding bear, pepper spray dispersed on the ground, actually like the taste. Matheny shakes his head at this misuse of bear spray. "It's designed to be sprayed into the face of an oncoming predator," he emphasizes. "It's not like bug spray!"

Anyone who has ever inhaled bear pepper spray can confirm the effect it has an the eyes, nose, and throat, and can instantly attest to the difference between it and bug repellent (UDAP does NOT advocate the use of bear spray on any onimal except in extreme cases of self-defense). As Matheny stated earlier, bear pepper spray is a powerful airborne deterent that is most effective when sprayed directly into the face of a bear.



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is UDAP Bear Deterrent from the United States ollowed to cross the Conadion Border?

Yes, You may now cross the border with a U.S.
Registered Bear Deterrent. (Not to be sold in Canada)

Will it work in freezing temperatures?

Yes, Pepper Power^{IM} Bear Determent has been tested at 5° F/-15° C. However, for best performance in freezing temperatures we recommend the chest holster system for carrying the spray.

Is it any good after freezing?

Yes, but we recommend storage above 32°F/ 0°C. However, repeated freezing may weaken the product.

Does pepper spray attract bears?

In the post, bear sproy has received some negative press because, when used incorrectly, the ador of the bear pepper spray can actually attract bears. Some individuals, under the mistaken impression that bear spray acts as a repellent, have sprayed their personal items with it in an attempt to deter bears from getting into their gear. Parents have even sprayed it on their children and themselves like it is *OFF* or *DEET* insect repellent! DO NOT spray PEPPER POWER BEAR DETERRENT on people.

- · Keep a coal head Try to stay calm, do not yell or scream.
- Some bears, even grizzlies, will dimb trees after you. Also a grizzly can reach 10ft./3 m up a tree while standing on the ground.
- If a grizzly or black bear makes contact in a surprise attack
 at close range (and you don't have bear spray), roll into a
 ball or lie face down, try to protect your neck and face, Don't
 strick your arm out, kick, scream, or fight. Try to protect the
 vulnerable parts or your body while remaining as still as possible, this will actively help the bear remove the perceived
 throat.
- Some bears, mostly young bears unfamiliar with the dangers of human contact, have been known to actually stalk humans. If you believe this is the situation you are in, and have not just surprised the bear, it is recommended that you defend yourself aggressively.
- If the bear mauls you continuously, despite yourself being passive, you may have to fight back. Try using any available weapon - a knife, rock, fist - and concentrate on hitting the bear's head, eyes and nostrils.



Grizzly sow with cubs

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Photo of black bear

BEAR ENCOUNTERS IN CAMP

The situation of a bear that enters your comp is to be handled differently than a bear surprised on the trail. They might not have any fear of humans and have probably become used to eating human food and garbage. These bears are dangerous, and are no longer fearful of being in close proximity to humons. Make sure that you store your food properly. A bear that finds no food in comp is more likely to become disinterested and move on to better pickings. Try to remain calm, avoid making direct eye contact and speak softly to the bear. If the bear is within 15ft./5 m, spray the bear with your Bear Spray. If it is safe to do so, try slowly backing out of the area while looking for suitable trees to dimb. Make sure you have enough time to climb a tree before attempting it. Make sure you can be up the tree at least 14ft./4.25 m before the bear reaches you. Climb as high as you can and stay there until the bear is gone. Be aware that some grizzlies can climb trees and all black bears can.

FREQUENTLY ASKED QUESTIONS

What does Bear Spray actually do to the Bear?

A one second burst to the face of the Bear will:

- Dilate the capillaries of the eye causing temporary blindness.
- Induce chaking, coughing, and nausea.
- Cause mucous membranes to swell, preventing all but life support breathing.

Where should the spray be aimed before firing?

- Always aim for the face of the Bear since this is where many of the mucous membranes affected by the pepper are located.
- Aim slightly lower than you think, because bears usually come in with their heads in a low position, also to compensate for the bellowing effect of the fog.

pensate for the bellowing effect of the fag.

What is the shelf life of UDAP Bear spray?

UDAP Bear Spray and sticker placed, on the bottom of the can. To safeguard your life and insure the effectiveness of the spray, we put a three year expiration date on all of our sprays. Always check to make sure you are not carrying an expired can of spray.

Once the can is sprayed, can it be used again? Yes, as a matter of fact we highly recommend you give each can a short test spray after purchasing (one-1/2 sec. burst).

This test fire is to be done only once in the can's lifetime.

How can I get my Bear Determent to where I'm going if I'm flying to my destination?

You may call ahead for local dealers at your destination.

You may call ahead for local dealers at your destination. UDAP can also drop ship to any U.S. destination in the lower 48 states with a UPS address. Or you may ship it yourself UPS Ground only.

PRACTICAL PREPARATION

Bear attacks hoppen as fast as lightning!!! Most situations where you will need to use your Bear Spray will be in a close surprise encounter with cubs involved. Practice, at least seven times going for your spray, or until you can reach it in a split second's time when needed. You may want to practice actually shooting from your holster with one of our inert cans. These cans have the same spraying power as our regular sprays without the active ingredients. These are for training purposes only and can be purchased at less than half the price of our regular spray. We suggest also using outdated cans for this purpose. In a bear attack situation, we do know this; you will panic if you have not been trained ahead how you will think and react. Practice what you need to do in different attack situations, Practice with friends or family various situations in order to be prepared in a real life threatening situation. Recently, a mother and her children were able to prevent a possible mauling by holding bear encounter drills with her family at home before hitting the trail.

During practice sessions, make sure that no one is sprayed with material from outdated Pepper Power cans or inert cans.



UDAP Bear Spray disperses large amounts of active ingredients in a short amount of time! If you are attacked by a bear in camp, it may be a predatory attack or could also just be a bear seeing your camp as its food source, causing it to want to defend it. The bear may have made a conscious choice to attack you, or may see you as a threat to its food supply. Playing dead may not work depending on the situation. Spray the bear with your Pepper Power Bear Deterent. Fight the attack by punching, slapping or using any object available as a weapon. Try to evade the bear by climbing up a tree or onto a boulder. Sleep in tents large enough to stack gear between you and the tent wall. If a bear gets within 15ft./5 m of your tent, or attempts to enter it, spray the bear with your Pepper Powar Bear Deterent and fight back. Report the incident as soon as possible, even if the bear simply walks through the camp.

IF A BEAR COMES INTO YOUR CAMP AT NIGHT

Get your Pepper Power** Bear Deterrent ready, and then, look out of the tent and check out the bear with your flashlight. First, make sure it's a bear, not one of your hiking partners or other harmless animal wandering in the night. If you can identify it as a block bear, the situation is usually not as serious as a grizzly coming into carrip. Spray the bear if it is within 15ft./5 m with your Pepper Power** Bear Deterrent. This will not permanently harm the bear but will let it know that it is not welcome and it probably won't return. If you have time, get to your escape tree, but don't leave the tent if you aren't sure you have time. If the bear (black or grizzly) is hanging around the cooking area because of the food smell, make lots of noise and try to scare the bear away.

IF A BEAR COMES INTO YOUR TENT

This is the worst possible situation. It very rarely happens, but there are a few documented cases.

Anight attack usually comes from a predatory bear. If you act like prey, you become prey.

Once more, don't panic, run, or scream, but don't remain calm. Instead, fight back with everything you have. <u>Don't</u> lie still in your sleeping bag. <u>Don't play dead.</u> Use your <u>UDAP</u> Bear Spray.

Make loud metallic noise. Use an air horn. Shine lights in the bear's eyes. Temporarily blind the bear with the flash of your camera. Use any deterrent you brought with you. Unload on the bear with everything you have. Anything goes. Use whatever physical resistance you can. (Fight back or die!)



Food is best stored hanging high up in a tree. Out of a bear's reach. (At least 12 ft.)

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As a recent survivor of a clase encounter with a brown bear, I believe I owe you a testimonial. During the first day of silver salmon fishing in Yakitat, Alaska, our parry heard several stories about a "large" brown bear chasing fisherman. Sadly, after being chased, one urfortunate fisherman made it back to his van, only to die of a heart attack. The next day was our turn. The bear came out on a bar on the Satuk River, but ten or so fisherman, several in a bout, dissuaded him from frightening them out of their fish. So, the bear waded up the river to where our party of four vocated only minures before. Smelling the fish we carried, the bear climbed the bank and loped up the wet and norrow trail we had taken for 100 yords or so through the thick brush. As the only (black) bear hunter in the group, I had little fear of "wild" bears, but great fear of "friendly" bears. Therefore, I carried the only can of UDAP Bear Deternent ovalable at our ladge.

Just before we come to an opening on the trail, the bear closed in on the last man in our party. At that point, I took a position behind my friend, let the bear come to about 15 feet, and while asserting "Bad bear; go home!" hit the trigger. To our great relief, the Bear turned "inside out" reversing course and disappearing into the brush. At that point, we beat a factly retreat back to our van. Count on us as Life-long converts to UDAP products.

Appreciatively, Sheldon Smith

Yellowstone Park Grizzly Attack



Dr. Crosson & Nils Wygant

She was thirty feet away and in full charge with a cub on both sides and another behind, the earth was flying as she closed the distance. She grabbed my calf in her mouth and shook. I was fumbling for the bear spray on my best, when she shook me, I yeled out! That brought my friend Nils up on to his knees, then she hurred and charged Nils he now had his UDAP bear spray out and ready. Propped up on his elibows he let her have it right in the face. GONE, DONE, NEVER SEEN AGAIN! The spray stopped the charging lemale grizzly on a dime and sent her away for good. Nils called cut to me, "I got her Torn, and I got her good!"

The bear had broken my fibula, paralyzed a neive in my leg and left me with two large gashes in the bock of my ralf. After Nils put a pressure wrap on my wounds, we bushwhackedfor three miles to get bock on the trail. Luckily, we had left emergency supplies at the point where the boat had dropped us the day before. Nils built an emergency shelter and fire for me. It was twenty-two hours between attack and

Next week, I will have a third surgery on the leg, in on attempt to repair the nerve that controls lifting my foot and toes. Next trip I will carry two cans of UDAP Bear spray. I will look into the Chest Holster for even more accessibility. Next fine my spray will be out quicker. Nils and I want to thank Mark and UDAP for swing both our lives. My family and Nils' wife and doughters think you are pretty cool too. Thank you also for contacting me in the hospiral to lend moral support. It meant a lot to me.

Thanks Again, Dr. Crosson & Nils Wygont

WHAT CAUSES A BEAR TO ATTACK?

Common Reasons:

Though we have established the fact that bears are unpredictable, there are four situations that are most likely to cause a bear to attack. By knowing what they are we can work to avoid getting into these types of situations.

- When a person encounters a protective sow with cubs. An average of 80% of all attacks are related to these encounters.
- 2. When a bear is surprised, or startled.
- 3. When a human gets too close to a bear's food supply.
- 4. Predatory Bear. (Intends to eat you)

Regardless of the situation, surprise is one of the leading causes of bear attacks. A surly solitary bear, which is startled by a hiker on a trail, may run away or aggressively confront the hiker. Most injury encounters with bears occur when the person gets within 55 yards before the bear is aware of his or her presence.

UNDERLYING CAUSE OF BEAR ATTACKS

Bears attack other bears, other animals, and people because they have genetically programmed types of aggressive behaviors that pertain to population regulation, survival defense, and predatory aggression. This doesn't mean that there aren't other factors involved in some attacks, or that people don't contribute to some attacks.

UDAP PEPPER POWER BEAR DETERRENT'S BEGINNINGS



"Thanks to God, a friend, and pepper spray, I am still here." Mark Matheny President UDAP Pepper Power



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"Spray 'em - Don't Slay 'em"

While out bowhunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a moin trail. In less than half a minute, the grizzly charged and mauled Mark two times.

Mark's hunting partner, Dr. Fred Bahnson, reacted immediately, spraying the attacking bear with a very small 4 oz. can of pepper spray. (Not a Bear Spray) Now out of pepper spray both men were in even more danger if the hostile grizzly returned.

Fortunately Dr. Bahnson got Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Marks wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray. However, noting that running out of pepper spray could have been a big problem. Mark thought a better product and education were needed, and would never recommend using a pepper spray made for humans against a bear. UDAP Pepper Power was developed from Mark's experience and was not used in this attack.

Mark's experience changed his life. Since founding PepperPower[™], Mark has been a relentless bear deterrent advocate. His goal from the start was not just to sell bear deterrent, but also to help educate the public about the causes, prevention and realities of bear attacks.

In a short time UDAP Pepper Power *Bear deterrents* have generated testimonials from grateful customers.

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[Note: we last approved, with comments, other labeling for this product (can label and clamshell labeling) on December 4, 2003.]

received 6-7-2004 UDAP Industries Inc. 13160 Yonder Road Bozeman, MT 59718

June 2, 2004

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) Office of Pesticide Programs, EPA 1921 Jefferson Davis Highway Arlington, VA 22202

RE: UDAP Pepper PowerTM Bear Deterrent EPA Registration Number 72007-1 Response to your review of proposed "UDAP Bear Safety Tips" Brochure (Appendix E),

Dear Mr. Peacock,

UDAP Industries Inc. with this letter submits a response to your review dated May 19, 2004. Our response is the material resubmitted with the EPA requested changes. As stated in your email we will be awaiting the stamped approved copy for our records, please send as soon as possible.

I. "UDAP BEAR SAFETY TIPS" Brochure (Appendix E)
In order for the brochure to be accepted as labeling for 72007-1, we have revised it as indicated in your response. We have addressed each concern and revised the booklet precisely according to your suggestions.

In support of the response to EPA's review, enclosed you will find the following:

1.) Three (3) copies of Appendix E, UDAP Industries "Bear Safety Tips" for avoiding attacks by bears.

Please contact me with any questions or comments you have.

Sincerely,

Mark Matheny

President, UDAP Industries Inc.

Phone: (406) 763-4242 Fax: (406) 763-5052 markm@udap.com

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460



OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

May 19, 2004

305 5-75 3317

Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59718

Attention: Mr. Mark Matheny

Subject UDAP Pepper Power Bear Deterrent

EPA Reg. No. 72007-1

Review of Brochure and Advertising Claims

Our letter of December 4, 2003, and telephone call of April 28, 2004

Purpose In our previous submission, in which we approved your can label (Appendix A)

Clamshell labeling (Appendix B), and acceptable advertising claims (Appendix C), we promised to review your "Bear Safety Tips" brochure (Appendix E) and

reconsider previously unacceptable advertising claims (Appendix G).

Brochure

(App E)

We have these comments on your "Bear Safety Tips" brochure (Appendix E), which accompanies your product. Submit three (3) copies of the revised labeling for our approval.

1. Because of the difficulty of verifying testimonials which are not required to support the product, you need to limit their inclusion to the two accounts that best highlight the use of this product. Insure that the ones selected involve the current formula and are accurate. If you desire a booklet primarily of testimonials, then distribute it apart from the product.

√ 2. Delete "Take away the bear's sense of smell" as we have no data to verify this claim.

Page 2 of 3

Brochure (App E)continued)

- Under "Spray 'em Don't Slay 'em" (page 15, 6th sentence, 3rd paragraph), change "was needed" to "were needed."
- / 4. Add "?" to "What does Bear Spray actually do to the bear".
- 5. Under "Once the can is sprayed, can it be used again?" (page 19. last sentence), change "cans" to "can's".
 - 6. Under "Does pepper spray attract bears?" (pages 20 and 21),
 - va. Change "repellant" to "repellent".
 - c. Delete the last two sentences on page 21.
 - 7. In "WHAT ABOUT HUNTING IN GRIZZLY COUNTRY?, change "has beat" to "has beaten" or "beat".

Advertising claims (App G)

In the "Appendix G" document, you request that we

Please reconsider the following for marketing, environmental and educational purposes only and not for labeling.

EPA only reviews ads for "false and misleading statements" if the ad accompanies the product or if a company specifically requests it. Whether reviewing labeling or ads, EPA uses the same criteria. The Federal Trade Commission (FTC) generally regulates advertising under its FTC Act and may request submission of evidence supporting particular claims and may require deletion or modification of such claims if the evidence is not provided or is found to be nonsupportive or insufficient.

We have reconsidered the following claims and present our conclusions here:

1. "LIFE saver"

The phrase "LIFE saver" is true but would be misleading without appropriate qualifications. It would be more accurate to say something like

Bear pepper sprays have turned charging bears away and have caused bears to stop maulings in progress. Because of this, human lives probably have been saved.

As for the sparing of bears' lives, the "Spray 'em -- don't slay 'em" text that we have accepted conveys that message.

Advertising claims (App G)-continued

2. "Wisdom is better than strength - be prepared!"

You may use the proposed language above or the following alternative:

Wisdom is better than strength in encounters with bears. Learn what to do and how and when to respond if a bear charges.

The idea here is that, while one cannot outfight or outrun a bear, knowing how to behave and respond is the route to self-protection. If followed by educational material, either "Wisdom is better than strength - be prepared!" or the longer version that we show above would be tolerable for use in advertising. Implications that only PEPPER POWER will protect someone against charging bears would seem to be false, however, as there are other registered bear pepper sprays; and we know of no evidence indicating that one of them is markedly superior to the others.

"... Produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop attacks!"

As EPA has registered only the one bear pepper spray product to UDAP, it would be false to claim that either the company or its President offers a "complete line of bear pepper sprays". More than one container size does not make more than one spray. We suggest the following alternative text:

... Produces two sizes of its EPA registered Pepper Power bear spray to stop attacks!

Questions

If you have questions about this letter, please contact me at 703-305-5407 (by phone), 703-305-6596 (by fax), or peacock,dan@epa.gov (by E-Mail).

Sincerely yours,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

Copy to

EPA Region 8 Mail Code 8 ENF-UFO 999 18th St., Suite 300 Denver, CO 80202-2466

Attention: Tim Osag

Letter

Dan Peacock, Disk144, A:\Capsaicin\72007-1, booklet and ads, 4-30-2004.wpd

Fold pages in half to view as booklet

Appendix E

Bear Safety

Tips

NC

BE PREPARED!

The booklet contains good information on how to avoid encounters with bears before they happen as well as information on how to defuse aggressive confrontations with Bears ance they occur. Knowing how to properly use defensive equipment is extremely important when dealing with potentially life threatening situations. I believe this booklet will contribute to the reduction of aggressive confrontations between bears and humans, will help reduce the number of bear inflicted human injuries, and will also reduce the number of self defense kills of bears by outdoor recreationists, thus benefiting both people and bears.

Sincerely, Kerry A. Gunther Bear Management Specialist Yellowstone National Park

> UDAP Industries, Inc. P. O. Box 10808 Bozeman, MT 59718 1-800-232-7941 PepperPower@UDAP.com



THANK YOU!

We would like to thank you for purchasing our product and Being Prepared with Bear Defense Pepper Spray. We also hope that this booklet and UDAP Bear Deterrent will be instrumental in helping to safeguard your life. We at UDAP Industries believe that Your Life is as important to others as it is to yourself. From "first hand" experience, we realize how quickly life can be taken away. We hope you become familiar with using our product and also the information in this booklet before you head out into the woods.

It is our heartfelt desire, to not only help you understand the bear, but to also help you learn how to avoid and actually stop a bear attack. Please take to heart the information in this booklet and also other sources on bear attacks and bear behavior. By reading and practicing the techniques mentioned in this booklet you can further prepare yourself for the unexpected.

The outdoors is for all of us to enjoy, and with a little practical knowledge, respect for wildlife, and common sense, we can all have a more safe and pleasurable experience.

From all of us at UDAP Industries

Get out there and enjoy the great outdoors!

"We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife. From people who know what's important! YOUR LIFE!!!"

For further information on camp setup, food storage, etc., Contact:

Park, Game & Fish, and Forest Service officials familiar to the area you plan to be in.

A Special Note to our Customers:

As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper PowerTM use against bear attacks Please send to:

UDAP Industries, Inc P. O. Box 10808 Bozeman, MT 59719

1-800-BEAR 941 (800) 232-7941 CAN CAN DESPIED

Fold pages in half to view as booklet

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Iraveling in bear country can be quite exhibitating. Although most encounters can be avoided, there is always a chance of encountering a bear. The following is a compilation of the latest information collected from various wildlife specialists, bear encounters, and articles featuring bear encounters. Although nothing is 100% guaranteed effective, here are some tips that might prove to be useful in an encounter.



Grizzly bear coming out of woods anto trail in Western Alberta, Canada. Mole the ears laid back. This bear is showing signs of agitation. This is when you need to be prepared and well rehearsed on what to do!

BE ALERT IN BEAR COUNTRY

- Always have UDAP Papper Power in its holster ready for immediate use. Don't bury it in your pack!
- Be alert in bear country especially where recent bear activity has bean documented by park officials, Fish & Game, and other public service people. Some common areas bears like to frequent are: avalanche chutes, streambeds, dense edges of cover and, in late summer, berry patches.

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BOOKS WE RECOMMEND

Self Defense for Nature Lovers

by Mike Lapinski Stoneydale Press Publishing UDAP 1-800-232-7941

Mark of the Grizzly by Scott McMillion Falcon Publishing, Inc.

Bear Attacks by Stephen Herrero Lyons & Bruford, Publishers

Bear Attacks by Kathy Etling Salari Press, Inc.

Bear Aware by Bill Schneider Falcon Publishing, Inc.

VIDEOS

Bear Attacks
Stoney Wolf Productions

1-800-232-7941

NO

- · Avoid traveling on trails at night or at either end of day.
- Be careful with food smells never cook close to camp. Store all foods in plastic away from camp at night and when camp is unattended. We suggest at least 100 yards from camp and at least 14 feet up a tree hung 4 feet away from the trunk.
- Watch for fresh bear sign (scat or bear tracks) on the trail or near possible compsites.
- If possible, make plenty of noise on the trail, especially on blind curves, in dense vegetation or areas with limited vision.
- Be conscious of the wind bears have an excellent sense of smell. If the wind is at your back, chances are a bear will smell you and leave the area well before you reach it. If the wind is blowing in your face, your chances of an encounter greatly increase. Also, in high wind situations or along creeks and streams, a bear might not hear you coming or you might not hear it.
- Dead animal corcass If you come upon a dead animal carcass, immediately leave the area. Bears will often feed on a carcass for days and also stay in the area to protect their food.
- Bear cubs If you see a bear cub, chances are the sow is not far away. Fernale bears will fiercely defend their young. We advise leaving the area and find an alternative route.
- Keep dogs under control-dogs can lead an angry bear back to you.
- Avoid traveling alone in bear country. Invite a friend.
 We suggest traveling in groups.

"As I see it," Deleter

Bear Spray has three advantages for the user:

It provides the person with a reason not to run. Running is a behavior which, increases a bear's natural reaction of chasing and attacking. Not running and holding your ground conveys a message that bears recognize, that of a co-dominant unwilling to yield. That gives them pause and buys you time.

2) The sudden and loud hissing of the spray and billowing doud startles bears. This is caused by the pressure of approximately 96 lbs. at 77 F, making a sound and sight that is surprising. They halt and again this buys you a bit of time (at least for those encounters where you have some space between you).

3) The red pepper extract is clearly a strong irritant, as observed with penned and wild bears that have been sprayed. Dr. Stephen Herrero, Mark Matheny, and many others have seen bears sprayed directly with bear spray and they cough, wheeze, paw their eyes and nose wildly. It does create considerable discomfort in them, having the effect of stopping the behavior that the bear was displaying immediately prior to being sprayed.

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replaced myself



WHAT ABOUT HUNTING IN GRIZZLY COUNTRY?

Sportsmen, who harvest big game animals in grizzly country, should be aware that the sound of a gunshot might sound like a dinner bell to a wandering grizzly. Some hunters tracking down their "trophy elk" can be quite surprised when they find a grizzly has beat them to it. Many hunters, who have killed animals and returned the next moming to pack out the meat, have been suddenly confronted by an aggressive bear that had claimed the kill overnight. Hunters who make a kill in grizzly country should make lots of noise as they carefully approach the carcass. They should also try to view the carcass from a distance to see if a grizzly is guarding it. The blood and gore at a kill site may attract a keen-nosed, opportunistic grizzly. If a kill site appears disturbed, but no bear is seen, it's best to back off because the bear may be lying in cover nearby. A bear on a kill may refuse to back off, even when shots are fired into the ground nearby, and many sportsmen have been forced to relinquish their harvested game animal to a protective bear quarding it's food supply. Smart sportsmen who harvest big game animals in grizzly country try to pack out the meat the same day of the kill, or they carry the quartered carcass to a safe spot a few hundred yards from the bloody kill site and then hang the quarters high



From a Hunter to a Hunter UDAP Bear spray works

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PRIME BEAR HABITAT

Avoid areas that bears like and you can reduce you chances of an encounter. If you can't avoid these areas, be extra cautious and alert when traveling through them. Bears like to travel on saddles, ridges, game trails and along water. They'll eat dead animal corcasses wherever they can find them. They feed on green grasses and also vegetation that grows in wet areas. They often rest in cool, dark, thick forests during the day. Grizzly bears are typically, but not exclusively active during the dawn, dusk, and nighttime hours. In spring and early summer, bears are often found in lower elevations along rivers and streams. They love to catch fish when the spowning runs are going. They will also search for winter killed animals in these areas.

In the summer, bears usually spend time at higher elevations, often in park like areas. They'll eat wild berries when they are ripe. If you like to go out wild berry picking, be extra careful, make lots of noise and keep children near you at all times.

In the fall, bears are often found in white bark pine stands eating pine nuts. Sometimes a bear will dig around a tree to try to locate a squirrel's cache of nuts. Bears also dig for roots in mid-elevation meadows, especially in years when there are fewer pine nuts.



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Abear feeding on an elk corcass will feel threatened by your presence. Try to leave the area undetected. (Photo of Black Bear)

BE AWARE OF RECENT GRIZZLY BEAR ACTIVITY

Always check with park officials, rangers, or other authorities regarding the area you intend to travel for possible bear activity. Always make sure others know where you are gaing to be in the backcountry. Learn to identify the signs of bear activity and avoid using these areas. Typical signs of grizzly bear use include: fresh tracks (a grizzly's claw marks extend further away from pods than black bears), scat greater than 2 inches in diameter (most likely agrizzly's), areas where the ground may be torn up from bears scavenging, and partially consumed or buried animal corcasses.

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- Test fire downwind outside-pointed safely away. Contents may travel and/or linger longer than expected. Using a quick half-second burst will increase safety and confidence with this product.
- Safety Clip To prevent loss of safety clip, we attach
 the safety clip to the handle. (Please leave attached)
- Holsters The holster helps keep Bear Deterrent handy. Our holster allows the can to be pointed in a ready position away from you. UDAP holsters are built for many years of service.
- Quick Silent Access Do not carry Bear Determent in your pocket, fanny pack, or backpack. For quick silent access in a close encounter attack, it is best to carry Bear Determent on your hip or chest. This allows you to shoot from holster if there is no time to draw.
- Loase Clothing Keep loose clothing and other objects out of the way.



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WARNINGS

- · Keep out of reach of children
- · Powerful inflammatory agent.
- Avoid accidental contact with eyes, skin, mucous membranes, and respiratory system.
- In case of external contact, wash thoroughly with cool water. Do not apply salves, oils, or creams. Expose to fresh air. Do not rub. Symptoms wear off in about 45 minutes. Should symptoms persist call a physicion immediately.
- Unlawful to carry on any passenger aircraft.
- Do not expose to heat or flame or store above 120° F/49° (
- Do not puncture or incinerate.
- Do not leave in a hot vehicle or in direct sunlight.
- Handle with care, treat this product as a weapon.
- People with breathing disorders may want to he especially careful when test fiting this product.
- Read the label on the can for additional information.

PARTIAL DISCLAIMER

DELETED

WARNINGS

TYPE OF "WARNINGS"

a bit with.

BEAR BEHAVIOR

Bears seem to experience moods much like we do; they can be shy, curious, aggressive, and can possess other attributes that we can identify as humanlike. Each time you get close to a bear, you encounter a specific individual that may behave differently from any other individual you have ever met before or will ever meet again.

Grizzly attack victims are often not aware of why they were attacked. Many attacks are caused by close encounters, where the bear has been surprised and feels threatened by human presence. A female with cubs will be especially aggressive and will defend her cubs from any possible threat. Many attacks can be avoided if the bear sees a way out of the situation. Bears are basically solitary animals. Each has its zone of danger, or personal space, which varies from animal to animal. If something or someone penetrates this zone, a response in the form of a bluff charge, bodily contact, or outright attack may result. Often times grizzly bears will essentially ignore people until a person enters into a bear's "personal space". Even groups as large as 100 people have been ignored by grizzly bears until one of the group gets too close. Most bears are timid enough to flee a possible encounter if they sense the presence of something or someone soon enough to leave the area undetected. On the other hand, when a bear is surprised, the bear may see you as a threat, forcing an immediate response. A person who runs when frightened by a bear may trigger a chase response. One bear will even chose another if it runs. Bears that stand their ground when confronted by other bears usually aren't attocked, and bears that behave submissively have a lower incidence of being attacked as well, they simply try to remove a perceived threat.

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The injuries that occur are more a function of what the human does to resist rather than what the bear is capable of doing. Of course, a grizzly entering a tent represents a predatory event, which is behaviorally very different than a close encounter situation. Young grizzlies can pose another danger. Often these bears have just left their mother and rank low on the hierarchical scale. Larger, more dominant bears often push these juveniles into marginal habitat. To survive, young bears do a lot of exploring. If these bears start using comparounds as foraging areas, they may quickly become dangerous to people camping in them. In extremely are instances, young grizzlies will even key onto people as potential prey. Black bears seem to rely more on sheer bluffing than on charging and mouling. Those rare instances in which a black bear presses an attack can probably be grouped into two categories: First, a female protecting her cubs, particularly if she is also habituated and food-conditioned; or second, a bear that has no experience with humans and may regard them as possible

BODY LANGUAGE OF BEARS

A bear that stands on its hind feet is usually just trying to get a better look and smell by sniffing the air. This is not an aggressive posture in and of itself. It simply means that the bear is unsure of what is in front of him, but still could drop on all lours and charge. A bear that swings its end from side to side, or turns sideways from you, is expressing a reluctance to charge and is looking for a way out of the situation. If a bear looks you in the eyes directly and has its ears back, it's warning that you are too close and feels threatened.

(As seen in photo 1)

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BEAR SPRAY

Wisdom is better than strength. This product is not a substitute for caution and common sense. In the pursuit your activities, don't be prey for an attack, Stay alert, and be prepared by having easy access to our Pepper Power!* Bear Spray product.

In any kind of attack situation you have to react under pressure. Attacks can be fast, often leaving you no time to think, only time to react. We strongly recommend you take time to familiarize yourself with this product's operation.

READ CAREFULLY THE ENTIRE LABEL ON THE BEAR SPRAY CAN

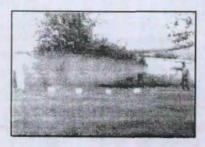
If a bear is charging, begin spraying when it gets within 40 ft./12 m. It will run into the fag. If a bear is coming at you along with a strong wind, you may wish to wait until it is quite close before spraying, and then move away from area of discharge to avoid exposure to spray.

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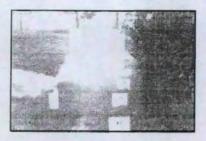
"with confident on and passed only passed on and

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UDAP Bear Spray Distances



Targets shown in windless spraying conditions: 10 ft./3.05 m, 15 ft./4.57 m, 20 ft./6.1 m, 25 ft./7.62 m 8 big target at 30 ft/9.14 m. (All hit by spray)



Distances will vary in different wind conditions, also the number of one second bursts available as per the size of can you have. Please read the label of the particular can you have purchased to familiarize yourself with its capabilities.

NO

A bear may also make barking, woofing or moaning sounds to indicate this. If a bear "pops" its jaws, it is very agitated and most often will charge. Charges are often a test to resolve a situation and are often "bluff charges" where the bear stops short of you, weers off and runs right past you. A bear might bluff charge many times before leaving. A bear may also bluff charge a few times and then come at you at a different angle.

A bear that does charge, and knocks you down, is attempting to remove a threat. The bear will use, as much force as it believes is necessary to remove that threat.



A bear can instantly reach speeds of 30 to 35 miles per hour in a matter of a split second and can cover 50 yards in less than three seconds! Never try to outrun a bear, it will only make matters worse.

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BEAR ENCOUNTERS ON THE TRAIL

- Stop, stay calm and quiet, and make no sudden moves.
- · Break eye contact if a bear is acting aggressively. Do not stare in the bear's eyes, as that could be a sign of aggression.
- . Stand your ground do not turn your back on the bearsometimes a bear will bluff charge several times. Have your bear determent ready, but do not spray unless you are sure the bear is close enough to spray in the face.
- Look for signs of agitation and aggression When a bear is standing on its hind legs, it is usually just trying to get a better look and smell of you. When a bear is upset it may:
- have it's ears back
- -lower it's head and swing it from side to side
- · oaw at the ground
- · make huffing or woofing noises
- snop it's teeth
- or not show any signs at all, and just drop and charge with no warning
- · Back away slowly, speaking in a colming, monotone voice you want to show the bear that you are being submissive and want to get out of "It's" territory. Do not turn your back and always have your Bear Spray ready.
- If the bear cornes at you-soray the bear deterrent aiming for the bear's face or spray a fag out that the bear has to run through to get to you. Never run from a bear!!

actually like the taste. Matheny shakes his head at this misuse of bear spray. "It's designed to be sprayed into the face of an oncoming predator," he emphasizes. "It's not like bug spray!"

Anyone who has ever inhaled bear pepper spray can confirm the effect it has on the eyes, nose, and throat, and can instantly attest to the difference between it and bug repellant (UDAP does NOT advocate the use of bear spray on any animal except in extreme cases of self-defense). As Matheny stated earlier, bear pepper spray is a powerful airborne deterrent that is most effective when sprayed directly into the face of a bear. Tsk anyone who has used bear pepper spray to stop and drive off a bear, and they will tell you that a large can of bear deterrent, carried in an easily accessible holster, is unquestionably the best means (lethal or non-lethal) to deter an aggressive bear. In addition, new testimonials are received monthly attesting to the effectiveness of bear spray in stopping and deterring bear attacks.

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Is UBAP Bear Deterrent from the United States allowed to cross the Canadian Border?

Yes, You may now cross the border with a U.S.

Registered Bear Deterrent. (Not to be sold in Canada)

Will it work in freezing temperatures?

Yes, Pepper Power'* Bear Determent has been tested at 5°F/-15°C. However, for best performance in freezing temperatures we recommend the chest holster system for corrying the spray.

Is it any good after freezing?

Yes, but we recommend storage above 32°F/ 0°C. However, repeated freezing may weaken the product.

Does pepper spray attract bears?

In the past, bear spray has received some negative press because, when used incorrectly, the odor of the bear pepper spray can actually attract bears. Some individuals, under the mistaken impression that bear spray acts as a repellant, have sprayed their personal items with it in an attempt to deter bears from getting into their gear. Parents have even sprayed it on their children and themselves like it is OFF or DEET insect repellant! And there are numerous reports of people using bear spray around their comps and tents like a general repellant, such as citronella. This is an incredibly bad idea as some bears, being naturally curious and otways looking for an easy meal, are lured by proctically anything. Just as humans like the spice of cayenne pepper in food, some bears, finding bear pepper spray dispersed on the ground,

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- · Keep a cool head Try to stay calm, do not yell or scream.
- Some bears, even grizzlies, will dimb trees after you. Also a grizzly can reach 10ft./3 m up a tree while standing on the ground.
- If a gizzly or block bear makes contact in a surpise attack
 at close range (and you don't have bear spray), roll into a
 ball or lie face down, try to protect your neck and face, Don't
 stick your arm out, kick, scream, or fight. Try to protect the
 vulnerable parts or your body while remaining as still as possible, this will actively help the bear remove the perceived
 threat.
- Some bears, mostly young bears unfamiliar with the dangers of human contact, have been known to actually stalk humans. If you believe this is the situation you are in, and have not just surprised the bear, it is recommended that you defend yourself aggressively.
- If the bear mauls you continuously, despite yourself being passive, you may have to fight back. Try using any available weapon - a knife, rock, fist - and concentrate on hitting the bear's head, eyes and nostrils.



Grizzly sow with cubs

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Photo of black bear

BEAR ENCOUNTERS IN CAMP

The situation of a bear that enters your camp is to be handled differently than a bear surprised on the trail. They might not have any fear of humans and have probably become used to eating human food and garbage. These bears are dangerous, and are no longer fearful of being in close proximity to humans. Make sure that you store your food properly. A bear that finds no food in comp is more likely to become disinterested and move on to better pickings. Try to remain calm, avoid making direct eye contact and speak softly to the bear. If the bear is within 15ft./5 m, spray the bear with your Bear Spray. If it is safe to do so, try slowly backing out of the area while looking for suitable trees to climb. Make sure you have enough time to climb a tree before attempting it. Make sure you can be up the tree at least 14ft./4.25 m before the bear reaches you. Climb as high as you can and stay there until the bear is gone. Be aware that some grizzlies can climb trees and all black bears can.

FREQUENTLY ASKED QUESTIONS

What does Bear Spray actually do to the Bear A one second burst to the face of the Bear will:

- Dilate the capillaries of the eye causing temporary blindness.
- Take away the bears keen sense of smell.
- Induce choking, coughing, and nousea.
- Cause mucous membranes to swell, preventing all but life support breathing.

Where should the spray be aimed before firing?

- Always aim for the face of the Bear since this is where many of the mucous membranes affected by the pepper are located.
- Aim slightly lower than you think, because bears usually come in with their heads in a low position, also to compensate for the bellowing effect of the fog.

What is the shelf life of UDAP Bear spray?

UDAP Bear Spray have an expiration date and batch code stamped, or on a sticker placed, on the bottom of the can. To safeguard your life and insure the effectiveness of the spray, we put a three year expiration date on all of our sprays. Always check to make sure you are not carrying an expired can of spray.

Once the can is sprayed, can it be used again?
Yes, as a matter of fact we highly recommend you give each can a short test spray after purchasing (one-1/2 sec. burst).

This test fire is to be done only once in the cans lifetime.

How can! get my Bear Deterrent to where I'm

going if I'm flying to my destination?
You may call ahead for local dealers at your destination.
UDAP can also drop ship to any U.S. destination in the lower
48 states with a UPS address. Or you may ship it yourself

UPS Ground only.

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NO

PRACTICAL PREPARATION

Bear attacks happen as fast as lightning!!! Most situations where you will need to use your Bear Spray will be in a close surprise encounter with cubs involved. Practice, at least seven times going for your spray, or until you can reach it in a split second's time when needed. You may want to practice actually shooting from your holster with one of our inert cans. These cans have the same spraying power as our regular sprays without the active ingredients. These are for training purposes only and can be purchased at less than half the price of our regular spray. We suggest also using outdated cans for this purpose. In a bear attack situation, we do know this: you will panic if you have not been trained chead how you will think and react. Practice what you need to do in different attack situations, Practice with friends or farnily various situations in order to be prepared in a real life threatening situation. Recently, a mother and her children were able to prevent a possible mouling by holding bear encounter drills with her family at home before hitting the trail.

During practice sessions, make sure that no one is sprayed with material from outdated Pepper Power cans or inert cans.

NEW

UDAP Bear Spray disperses large amounts of active ingredients in a short amount of time! If you are attacked by a bear in camp, it may be a predatory attack or could also just be a bear seeing your camp as its food source, causing it to want to defend it. The bear may have made a conscious choice to attack you, or may see you as a threat to its food supply. Playing dead may not work depending an the situation. Spray the bear with your Pepper Power!** Bear Deterrent. Fight the attack by punching, slapping or using any object available as a weapon. Try to evade the bear by climbing up a tree or onto a boulder. Sleep in tents large enough to stack gear between you and the tent wall. If a bear gets within 1 5ft./5 m of your tent, or attempts to enter it, spray the bear with your Pepper Power!** Bear Determent and fight back. Report the incident as soon as possible, even if the bear simply walks through the camp. We don't recommend staying in that campsite another night.

IF A BEAR COMES INTO YOUR CAMP AT NIGHT

Get your Pepper Power's Bear Deterrent ready, and then, look out of the tent and check out the bear with your flashlight. First, make sure it's a bear, not one of your hiking partners or other hamless onirmal wandering in the night. If you can identify it as a black bear, the situation is usually not as serious as a grizzly coming into camp. Spray the bear if it is within 15ft./5 m with your Pepper Power's Bear Deterrent. This will not permanently harmthe bear but will let it know that it is not welcome and it probably won't return. If you have time, get to your escape tree, but don't leave the tent if you aren't sure you have time. If the bear (black or grizzly) is hanging around the cooking area because of the food smell, make lots of noise and try to scare the bear away.

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IF A BEAR COMES INTO YOUR TENT

This is the worst possible situation. It very rarely happens, but there are a few documented cases,

A night attack usually comes from a predatory bear, if you act like prey, you become prey.

Once more, don't panic, run, or scream, but don't remain calm, Instead, fight back with everything you have. <u>Don't</u> he still in your sleeping bag. <u>Don't play dead</u>. Use your *UDAP Bear*. Spray.

Make loud metallic noise. Use an air horn, Shine lights in the hear's eyes. Temporanly blind the bear with the flash of your camera. Use any deterrent you brought with you. Unload on the bear with everything you have. Anything goes. Use whatever physical resistance you can. (Fight back or die!)



Food is best stored hanging high up in a tree. Out of a bear's reach. (At least 12 ft.) 12

Lornste her our

She stopped dead in her tracks



Thanks UDAP, you saved me! I was mountain biking up Tepee Creek just north of Yellowstone Park when I had a run in with a sow and two cubs. I was almost to the ridge between Tepee and Buffalo Horn, when I heard a repeating grunting sound. When I looked up, there was a sow grizzly charging hard at about 25 yards with two yearling cubs at her heals. I jumped off my bike, and went for my UDAP spray in my Camelback. Thank god, she bluffed me once. She came within one stride of me and started to loop around before I could even get my hands on my spray. She made about a 30-foot loop, which gave me just enough time to get my spray and have it ready. When she came back at me, Het her have it in the face at about 10 feet. She stopped dead in her tracks, turned, and ran. I arm almost sure I wouldn't be writing this to you if it weren't for your spray. Thanks again, you have a great product! Ben Macht

new

The following Testimonials are from people using UDAP Bear Spray EPA Reg. No. 72007-1.

Stops Charging Grizzly

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I startled 3 large Grizzlies, a sow and two nearly mature cubs. All three bears charged me from about 40 yards out, closing the distance between us to less than 10 yards in little more than a second. The leading sow continued her charge, head down, ears back, without breaking stride while the two others hung up slightly behind her.

I was carrying the 260 gram size of UDAP pepper spray on my right hip with the hood off and stowed as recommended in your literature. I blasted a cloud out as quickly as I could. Although by this time she was only 20 feet away, a cross breeze dissipated the oily, orange mist. The last burst nailed her equare in the face and she stopped cold. The ongry bear then popped her jowls, shook her massive head about and bolted over the rise from which I had just approached. Etic Burge

Since Eric's encounter Mark Matheny and him have become good friends. Both Eric and Mark like to bow hunt and enjoy the backcountry.

Currently, Eric is working on his film thesis for Montone State University in relation to the active ingredient of bear spray (Capsaicin and Related Capsaiciniods) and the power of hot peppers.

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WHAT CAUSES A BEAR TO ATTACK?

Common Reasons:

Though we have established the fact that bears are unpredictable, there are four situations that are most likely to cause a bear to attack. By knowing what they are we can work to avoid getting into these types of situations.

- 1. When a person encounters a protective sow with cubs. An average of 80% of all attacks are related to these encounters.
- 2. When a bear is surprised, or startled.
- When a human gets too close to a bear's food supply.
- 4. Predatory Bear. (Intends to eat you)

Regardless of the situation, surprise is one of the leading causes of bear attacks. A surly solitary bear, which is startled by a hiker on a trail, may run away or aggressively confront the hiker. Most injury encounters with bears occur when the person gets within 55 yards before the bear is aware of his or her presence.

UNDERLYING CAUSE OF BEAR ATTACKS

Bears attack other bears, other animals, and people because they have genetically programmed types of aggressive behaviors that perior to population regulation, survival defense, and predatory aggression. This doesn't mean that there aren't other factors involved in same attacks, or that people don't contribute to some attacks.

UDAP PEPPER POWER BEAR DETERRENT'S BEGINNINGS



"Thanks to God, a friend, and pepper spray, I am still here." Mark Matheny President UDAP Pepper Power

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"Spray 'em - Don't Slay 'em"

While out bowhunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute, the grizzly charged and mauled Mark two times.

Mark's hunting partner, Dr. Fred Bahnson, reacted immediately, spraying the attacking bear with a very small 4 oz. can of pepper spray. (Not a Bear Spray) Now out of pepper spray both men were in even more danger if the hostile grizzly returned.

Fortunately Dr. Bahnsan gat Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Marks wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray. However, noting that running out of pepper spray may have been a problem. Mark thought a better product and education was needed, and would never recommend using a pepper spray mode for humans against a bear. UDAP Pepper Power was developed from Mark's experience and was not used in this attack.

Mark's experience changed his life. Since founding PepperPower. Mark has been a relentless bear deterrent advocate. His goal from the start was not just to sell bear deterrent, but also to help educate the public about the causes, prevention and realities of bear attacks.

In a short time UDAP Pepper Power Bear deterrents have generated testimonials from grateful customers.

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Dr. Crosson & Nils Wygent

She was thirty feet away and in full charge with a cub on both sides and another behind, the earth was flying as she closed the distance. She grabbed my calf in her mouth and shook. I was fumbling for the bear spray on my belt, when she shook me, I yelled out! That brought my friend Nils up on to his knees, then she burned and charged Nils. He now had his UDAP bear spray out and ready. Propped up on his elbows he let her have it right in the face. GONE, DONE, NEYER SEEN AGAIN! The spray stopped the charging female grizzly on a dime and sent her away for good. Nils called out to me, "I got her Tom, and I got her good!"

The bear had broken my fibula, paralyzed a nerve in my leg and left me with two large gashes in the back of my calf. After Nils put a pressure wrap on my wounds, we bushwhacked for three miles to get back on the trail. Luckity, we had left emergency supplies at the point where the boat had dropped us the day before. Nils built an emergency shelter and fire for me. It was twenty-two hours between attack and

Next week, I will have a third surgery on the leg, in an attempt to repair the nerve that controls lifting my foot and toes. Next trip I will carry two cans of UDAP Bear spray. I will look into the Chest Holster for even more accessibility. Next time my spray will be out quicker. Nils and I want to thank Mark and UDAP for saving both our lives. My family and Nils' wife and doughters think you are pretty cool too. Thank you for producing a quality product. Thank you also for contacting me in the hospital to lend moral support. It meant a lot to me.

Thanks Again, Dr. Crosson & Nils Wygant



As a recent survivor of a close encounter with a brown bear, I believe I owe you a testimonial. During the first day of silver solmon fishing in Yokitat, Alaska, our parry heard several stornes about a "large" brown boar chasing fishermon. Sadly, after being chased, one unfortunate fishermon made it back to his van, only to die of a heart attack. The next day was our turn. The bear came out on a bar on the Situk River, but ten or so fishermon, several in a boat, dissuaded him from frightening them out of their fish. So, the bear waded up the river to where our parry of four vocated only minutes before. Smelling the fish we carried, the bear dimbed the bank and loped up the wer and norrow trail we had talen for 100 yards or so through the thick brush As the only (blacks) bear hunter in the goup, I had little fror of "wild" bears, but great fear of "friendly" bears. Therefore, I carried the only can of UDAP Bear Deterrent available at our Lodge.

Just before we came to an opening on the trail, the bear closed in an the last man in our party. At that point, I took a position behind my friend, let the bear come to about 15 feet, and while asserting "Bad bear; go home!" hit the trigger. To our great reflet, the Bear turned "inside out" reversing course and disappearing into the brush. At that point, we beat a hasty retreat back to our van. Count on us as life-long convers to UDAP products.

Appreciatively, Sheldon Smith

Beautiful day turns sow-er for two hunters



Dave Wood & Steve Chamberlain

"I trusted my life with UDAP Bear Spray and it saved

Thanks - Dave Wood

"If not for the help of a friend and your UDAP Bear Spray I probably wouldn't be here today."

The sun had just set over the tail peaks of the Madison range when a large sow Grizzly and her two almost fully grown cubs came running for what they thought was dianer. Dave Wood, my long time hunting partner and I, had been archery hunting all day without much success. We were watching the sunset and proceeded to violate one of our "Golden Rules" in that we did some elk calling when we weren't totally ready to hunt.

The bears where ready to hunt and did so with a ferocity and speed that is almost incomprehensible. At first we just heard the noise of something running at us at about forty miles an hour and only saw the three of them in the lost twenty yards of their charge as they broke into the small opening we were in I had jumped to my feet and was faxing them thinking they were a charging bull elk. I was crouched pulling an arrow from the how quiver when I

realized we were in trouble. Before I could draw my gun the sow had taken her first bite of my left leg and broken my fibula. In less than six seconds she proceeded to bite my leg, my thigh, my arm and ultimately my head. With the first bite, I made a decision to fight her rather than play dead and kept trying to get my gun out of its holster. I had also called out to Dave to help me. He had actually been closer to the bears when they appeared but was already lying on the ground and they went right over the top of him to get to me. Finally as the sow was biting my head Dave jumped up armed with UDAP bear spray, he charged the mother Grizzly who was now facing him. She took the full force of the spray from less than ten yards whirling so fost that at first Dave wasn't sure he hit her. The effect of the spray was fast and effective as she and the cubs left and didn't return.

If not for the unselfish and quick response from Dave and the supreme effectiveness of UDAP bear spray, my encounter with that bear may have been my last act. Dave and I have hunted elk in Grizzly country for many years together and we have had other less close encounters with them. In addition to corning across other hunters in the woods who have been attacked we have had several encounters when the bears have told us in no uncertain terms to leave their area. We always try to be prepared and have carried side arms in addition to UDAP bear spray since its inception. However, until this encounter, I think we both thought our first line of detense would be a gun. Now, we both feel that we wouldn't be out in the woods without UDAP Bear Spray and as for me it will be in a chest harness with UDAP's unique shoot from the holster design.

Thanks for making a product that really works and saves lives both human and animal.

Sincerely, Steven Chamberlain M.D.

Please reconsider the following for marketing, environmental and educational purposes only and not for labeling.



1. LIFE saver — Is used for the purpose of allowing a consumer the option of choosing, in advance, whether they want to defend themselves with a firearm or bear spray. One is lethal, one is non-lethal. A gun is chosen with the intent of harming, injuring or killing a bear in the event of an attack — there are no other options in choosing a gun. Chances are a firearm would be used to injure or kill a bear. In addition, the effectiveness of using a gun to protect oneself, in a bear attack, is questionable. Individuals, with firearms, who shoot, panic or run from charging grizzly bears usually end up with the worst injuries. The U.S. Fish and Wildlife did a study on firearms used for protection against bears and only 52% were effective without injury. The other 48% were injured to some extent or killed by the bear.

On the other hand, while its main purpose is keep the user alive, making the decision to use Pepper spray is making a conscious choice to preserve the bear's life. A study by Dr. Stephen Herrero found that 94% of the time bear spray was effective in protecting oneself from grizzly bears. Over the past five years our data has shown that bear spray is highly effective at deterring and\or stopping an aggressive bear. To date, we have not had one case where UDAP PepperPowerTM Bear Spray, when used according to the instructions on the label, has not worked to stop or prevent an attack. As a result UDAP Industries does not have any unsuccessful testimonials.

UDAP PepperPowerTM Bear Spray is designed and has been shown to keep humans safe from injury or death <u>and</u> to preserve our bears. It does save lives; *LIFE saver* is used to help convince people that carrying bear spray, instead of a gun or another option, is a safer, more effective means of protecting one's life.

We understand nothing is 100% guaranteed, and we would never market it that way. This can be said for any product on the market, including firearms. Bear spray itself, when used incorrectly, will not deter an aggressive bear. Just as with a gun, or any other personal defense product, it must be pointed in the right direction and discharged correctly to be effective. However, to say that we cannot claim our product is effective or a lifesaver unless it is 100% effective, 100% of the time, is a mistake and may, ultimately, cost some one their life.

In addition, UDAP Industries' product labels clearly state that the customer read the entire label before using UDAP PepperPowerTM Bear Spray. This recommendation is included to educate customers on the proper usage of bear spray, and "LIFE saver" is in no way designed to detract from the required label text.

2. Wisdom is better than strength - be prepared! - Text used in this manner is to educate the public to be properly prepared in bear country. Physically, humans are no match for the strength of a bear, and it is prudent to be prepared before entering their domain. UDAP is a strong advocate of using common sense and being prepared under any conditions, especially in situations that bring a person into direct contact with bears.

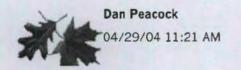
Therefore, UDAP Industries is passionate about educating the consumer about safety and being prepared long before they get into a potentially dangerous situation with an aggressive bear. Being knowledgeable and prepared is good advice under any circumstance but especially in the backcountry facing a possible bear attack. Adopting this attitude may just save that person's life.

 "Grizzly attack survivor Mark Matheny Produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop attacks!"

Changed on Labels and Advertising to: "Produced by a Grizzly Attack Survivor"—UDAP is now the main registrant with the EPA and, as the owner and founder of UDAP Industries, Inc., Mr. Matheny does in fact produce "a complete line of EPA registered PepperPower™ bear sprays to stop attacks!"

In this context *Produces* is defined as: to make or create something; to manufacture goods for sale; to cause something to happen or arise; to yield something (to bring forth or bear something); and, finally, to organize and supervise the making of something. All definitions of what UDAP Industries, and Mark Matheny, does to bring PepperPowerTM Bear Sprays to the market.

UDAP Industries inspects, packages and ships every single can of bear spray from their facilities at 13160 Yonder Road, Bozeman, MT 59718. They have never drop shipped any product to a customer, retailer, wholesaler or distributor. UDAP does all the things defined as "produces" in the previous paragraph and, therefore, has established the fact that they are the producers of PepperPower™ Bear Sprays.



To: John Hebert/DC/USEPA/US@EPA, Meredith Laws/DC/USEPA/US@EPA

CC:

Subject: Comments on Bear Repellent Labeling for 72007-1

John and Meredith,

Thank you for your comments.

It is difficult to provide comments that are neither too detailed or too broad for the "Bear Safety Tips" brochure, which will accompany the product, because

- 1. The registrant wants to include testimonials, which we neither reviewed for registration and nor have the time to verify.
- 2. Approving this booklet will probably prompt requests from other bear registrants, each trying to gain advantage. We want to avoid a "war of the brochures".
- 3. Having an approved booklet with testimonials gives a stamp of approval to those stories.

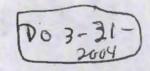
I called the registrant and asked him if he would be willing to delete the testimonials from the brochure sold with the product. He said that he would be willing to reduce the number of testimonials to the two best ones but argued that their presence helped to reassure the user by providing examples of successful use.

Limiting the brochure to the two best testimonials would relieve the need to give detailed instructions about them and avoid the concerns above. Also, it apparently would satisfy the registrant.

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch

Tel: 703-305-5407 Fax: 703-305-6596

E-Mail: peacock.dan@epa.gov



IRB BRANCH REVIEW - TSS

Record Number(s)

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D298548

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EFFICACY

72007-1

FILE OR REG. NO.
PETITION OR EXP. PERMIT NO.
CATE DIV. RECEIVED 11/18/03
DATE OF SUBMISSION 11/13/03
DATE SUBMISSION ACCEPTED 2/5/04
TYPE PRODUCTS(S): I, D, H, F, N, R, X S
DATA ACCESSION NO(5).
PRODUCT MER. NO.
PRODUCT NAME (S) UDAP PEPPER POWER BEAR DETERRENT
COMPANY NAME UDAP Industries, Inc.
SUPMISSION PURPOSE have claims and brochure assessed
CHEMICAL & FORPLATION and related capsaicinoids aerosol

Efficacy Review: UDAP PEPPER POWER BEAR DETERRENT, 72007-1

UDAP Industries Inc. Bozeman, MT 59718

200.0 INTRODUCTION

ITEMS DISCUSSED IN THIS REVIEW MAY BE OF A PROPRIETARY NATURE. DO NOT DISCLOSE CONFIDENTIAL BUSINESS INFORMATION (CBI) TO ANYONE OTHER THAN EPA EMPLOYEES WITH APPROPRIATE CLEARANCES.

200.1 Uses

2.0% "Capsaicin and related capsaicinoids*" aerosol product Federally registered "to deter bears which are attacking or appear likely to attack humans".

200.2 Background Information

Products claimed to protect people from attacks by relatively large animals (e.g., bears, dogs) must be registered as pesticides. Although such a registration requirement has been in place for about 40 years, manufacturers sold unregistered bear pepper sprays for more than a decade before one product of this type, the "COUNTER ASSAULT" product 55541-2, was registered in May of 1998. Prior to that time, bear pepper sprays were being sold with some knowledge and even some official winking by government agencies, most notably the Park Service (which equipped its personnel with unregistered products) and EPA (which, bowing to political interference, blunted a 1993 enforcement action initiated by an agency of Alaska's State government). UDAP had a "PEPPER POWER" bear product on the market toward the end of the period of illegal sales of bear pepper sprays.

Since May of 1998, EPA has taken enforcement and other regulatory actions which have resulted in 5 Federal Registrations for bear pepper sprays (one of which subsequently was canceled for cause) and improvements in labeling. One problem common to these products has been the inclusion, in various commercial presentations of the products, of unreviewed elements of labeling in addition to the accepted container label. Such unreviewed labeling and other promotional materials often have been riddled with false and misleading statements. Such issues are discussed in prior reviews for this product and have been raised regarding all of the other bear pepper spray products (55541-2, 71545-1, 71768-1, and 72265-1) that have been registered at some time over the last 6 years.

For this product, see efficacy reviews of 1/25/99, 3/9/99, 3/16/99, 12/27/99, 9/5/00, 3/25/03, and 10/23/03. Originally called BEARGUARD, this product was registered (as 71920-1) on 3/18/99 to Guardian Products of Phoenix, AZ. UDAP was a sub-registrant for BEARGUARD and used the PEPPER POWER name for its distributor product (71920-1-72007). The registration for this product was formally transferred to UDAP on 3/6/03.

See also 1/24/00, 3/30/00, and 9/14/00 reviews of inquiries (data package D261874, CORR.# 292749, and CORR.# 293305) respectively) regarding promotional statements being made for UDAP Pepper Power when it was a sub-registration 71920-1. Prior efficacy reviews for 71920-1 and 72007-1 also discuss problems with various elements of labeling that previously were proposed and/or used for this product as BEARGUARD and as PEPPER POWER.

Elements of revised labeling for 72007-1 were "ACCEPTED with COMMENTS" by IRB on 12/4/03. Those elements were the label for the canister that actually contains the product and the card-stock labeling associated with the clamshell packaging in which this product is offered for sale.

IRB's letter of 12/4/03 also accepted the first 18 of 19 claims which UDAP had proposed on the first page of a document that the company called "Appendix C" in its submission of 11/13/04. Those claims were sometimes-edited survivors of a list of 65 numbered proposed claims that I evaluated in the efficacy review of 10/23/03 when they were part of the "Appendix C" document included with UDAP's submission of 6/24/03. In a letter of 12/4/03, IRB proposed to table discussion of 3 previously rejected claims that UDAP still wants to make as well as a brochure entitled "BEAR SAFETY TIPS". I (and IRB, subsequently) objected to elements an earlier version of the brochure. I also objected to assorted testimonials -- some of which also were in the brochure -- on grounds of relevance and accuracy. Many of the testimonials related to events that occurred when an unregistered bear spray of undocumented composition was being marketed by UDAP; and accounts of incidents that occurred before and after the registration of BEARGUARD appeared to have been editorially embellished.

In this review, I am being asked to review a revised version of the "BEAR SAFETY TIPS" brochure which was submitted by UDAP on 11/13/03 as "Appendix E" of that submission. Also in the package routed for me to review are copies of UDAP's letter of 11/13/03, an "Appendix G" to that submission, and paper copies of assorted postal and electronic communications involving UDAP and EPA. UDAP's letter of 11/13/03 states that the "BEAR SAFETY TIPS" brochure was "revised ... as indicated in your response" (referring to IRB's letter of 11/5/03). UDAP's letter of 11/13/03 also asks that EPA reconsider certain "Claims that were marked "should not use" and "delete" (appearing in "Appendix G") for use not on "labeling" but rather "for marketing, advertising and education."

The e-mails and other letters included in the current review package are described below.

- A letter of 11/13/03 (distinct from the one mentioned above) in which UDAP's President Mark Matheny requests that EPA identify the company as "UDAP Industries Inc." rather than "Universal Defense Alternative Products"
- An electronic version of the letter of 11/13/03 from Matheny described in item "1." above
- 3. An e-mail of 12/29/03 in which UDAP's Tim Lynch asks: (a) that EPA officially change the name that it uses for 72007-1 from "BearGuard" to "UDAP Pepper Power Bear Deterrent" before the time when maintenance fee payment is due; (b) for an update on the progress of IRB's review of the elements of the submission of 11/13/03 that were not addressed in IRB's letter of 12/4/03; (c) for the changes in the company name and product ownership also to be reflected "on the web"; and (d) that the addressee (Daniel Peacock) take note of the prior request (11/13/03) to officially change the company's name in EPA's files.

The issues raised in these correspondences are tangential to this efficacy review, the package for which was routed to me on 2/5/03.

As this review will address the validity of claims which are (or are to be) made for 72007-1, it is important to review the standards to which statements on pesticide labels and labeling are held. Under §12(a)(1)(E) it is

unlawful for any person in any State to distribute or sell to any person-- ... any pesticide which is adulterated or misbranded.

"Misbranded" is defined extensively in $\S2(q)$ of FIFRA. The relevant part of that definition -- FIFRA, $\S2(q)(1)(A)$ -- holds that

(1) A pesticide is misbranded if--

(A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

The "any particular" portion of this definition seems to allow essentially no "wiggle room" for questionable material to appear in product "labeling" which, according to FIFRA §2(p)(2)

... means all labels and all other written, printed, or graphic matter--

(A) accompanying the pesticide or device at any time; or

(B) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

40 CFR, §156.10(a)(5) breaks out 10 categories of statements and graphics which automatically would be found to be "False or misleading" if they appeared on pesticide labeling. These categories (or "Examples") are quoted below.

- "A false or misleading statement concerning the composition of the product" [40 CFR, §156.10(a)(5)(i)];
- "A false or misleading statement concerning the effectiveness of the product as a pesticide or device" [40 CFR, §156.10(a)(5)(ii)];
- "A false or misleading statement about the value of the product for purposes other than as a pesticide or device" [40 CFR, §156.10(a)(5)(iii)];
- 4. "A false or misleading comparison with other pesticides or devices" [40 CFR, §156.10(a)(5)(iv)];
- 5. "Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government" [40 CFR, §156.10(a)(5)(v)];
- 6. "The name of a pesticide which contains two or more principal active ingredients if the name suggests one or more but not all such principal active ingredients even though the names of the other ingredients are stated elsewhere in the labeling" [40 CFR, §156.10(a)(5)(vi)];

- 7. "A true statement used in such a way as to give a false or misleading impression to the purchaser" [40 CFR, §156.10(a)(5)(vii)];
- 8. "Label disclaimers which negate or detract from labeling statements required under the Act and these regulations" [40 CFR, §156.10(a)(5)(viii)];
- 9. "Claims as to the safety of the pesticide or its ingredients, including statements such as 'safe,' 'nonpoisonous,' 'noninjurious,' 'harmless' or 'nontoxic to humans and pets' with or without such a qualifying phrase as 'when used as directed'" [40 CFR, §156.10(a)(5)(ix)]; and
- 10. "Non-numerical and/or comparative statements on the safety of the product, including but not limited to: (A) 'Contains all natural ingredients'; (B) 'Among the least toxic chemicals known' (C) 'Pollution approved' [40 CFR, §156.10(a)(5)(x)].

Problem statements and graphics found to be objectionable in past reviews of bear pepper spray products generally have fallen into the categories for which I have used the numbers 1, 2, 4, 5, and 7. It is partly to avoid problem statements of the type in category 3 that EPA refuses to allow claims and directions pertaining to deterring human attackers to appear on labels for bear pepper sprays or anti-dog-attack sprays. Anti-personnel claims are not considered to be pesticidal claims because humans are specifically excluded from the regulatory definition of "Pest" at 40 CFR §152.5(a).

Additionally, FIFRA's prohibition against making statements that are "false or misleading in any particular" means that false or misleading statements falling outside the 10 categories of "Examples" also would be prohibited.

In earlier reviews related to 71920-1 and 72007-1, I have examined versions of the claims which appear on documents that are part of the submission under review. Occasionally, the "call" made with respect to whether a sentence or phrase is "false or misleading" was rather close, with editorial changes sometimes being suggested to resolve problems. To the extent that they might differ from earlier interpretations, the conclusions that I reach in this review for particular claims replace any prior conclusions pertaining to those claims. As the standards for evaluation of claims have not changed, however, my responses to them have changed very little.

As noted above, UDAP asks in its product-specific submission of 11/13/03 that IRB review previously rejected claims not as items that would appear on labeling but rather as claims that would "only be used for marketing, advertising and education." Although expressing beliefs that the claims in question "are not false or misleading and do not malign other products", UDAP also implies that the standard applied to statements appearing in the context of "marketing, advertising and education" should be looser than the standard to which statements on labels and labeling are held. In reality, the standard for all pesticide advertising would be at least as rigid as that required by the Federal Trade Commission Act (FTCA). Although the FTCA is less specific than FIFRA in this regard, the Federal Trade Commission (FTC) also is not fond of false and misleading statements.

201.0 DATA SUMMARY

"Appendix G" Claims Proposed for Reconsideration

Near the beginning of the "Appendix G" document, UDAP requests that IRB

Please reconsider the following for marketing, environmental and educational purposes only and not for labeling.

The 2-page "Appendix G" addresses just 3 of the statements that were rejected via IRB's letter of 11/5/03. As expressed on "Appendix G", those items are "LIFE saver", "Wisdom is better than strength - be prepared!", and

"Grizzly attack survivor Mark Matheny Produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop attacks!"

Changed on Labels and Advertizing to: "Produced by a Grizzly Attack Survivor" -- UDAP is now the main registrant with the EPA and, as the owner and founder of UDAP Industries, Inc., Mr. Matheny does in fact produce a complete line of EPA registered PepperPower * bear sprays to stop attacks!"

In my assessment of "LIFE saver" in the efficacy review of 10/23/03, I stated that the

The "LIFE saver" claim seems to me to be a "false or misleading" efficacy claim as well as a (presumably) true statement being used to mislead. While it seems likely that Pepper Power, as currently formulated, has blunted some attacks by bears and may have saved some lives, it is quite a leap from such presumed outcomes to imply, as "LIFE saver" does to me, that one's worries are over if one carries the product. In that quite different statements regarding the product's limitations are required to be on the canister label, the relatively conspicuous "LIFE saver" claim also detracts from required label text.

In its latest "Appendix G", UDAP devotes more than a page to discussion of the "LIFE saver" claim, which does not appear on the labeling accepted by IRB on 12/4/03. In essence, their arguments are that using bear pepper spray can save both the human and the bear. UDAP claims that, "Over the past five years" (implying some of the period of illegal sale), "UDAP PepperPower TM Bear Spray" has "worked to stop or prevent an attack" in every instance in which it was "used according to the instructions on the label." UDAP adds that this circumstance is the reason why the company "does not have any unsuccessful testimonials."

[I should note here that, over essentially the same period of time, UDAP offered a free can of product to anyone who supplied them with a usable testimonial. There would have been little incentive for anyone to submit a negative account under those circumstances unless the experience was so bad that there was lingering anger. It is possible that some negative accounts were received but were put into the category of cases in which the product was not "used according to the instructions". Conversely, some folks might have been tempted to make up a realistic story of successful use just to obtain a free can. I am not saying that anyone did, just that there would have been motivation to do so. Bear pepper sprays are not cheap.]

UDAP also cites a report by Stephen Herrero as indicating that "94% of the time bear spray was effective in protecting oneself from grizzly bears." The paper in question was an article by Herrero and A. Higgins on pages 533-537 of volume 10 of <u>Ursus</u>, published

in 1998. Discussed in the efficacy review of 1/25/99, the Herrero and Higgins (1998) paper summarized available accounts from people who had used pepper sprays against bears and had reported the incidents in some retrievable way.

[As the article was drafted before any bear pepper sprays were registered in the U.S., none of the products involved was registered in the U.S. at the time of use. Some may have been registered in Canada, which is where Herrero is based.]

Herrero and Higgins (1998) indicated that in 16 reported encounters involving brown bears (grizzlies and/or "Kodiak bears") were acting aggressively, use of pepper spray eventually led to cessation of aggressive behavior in 15 instances (or 94% of 16). In 14 cases, the bears involved left the area after having been sprayed but, in 5 cases, that occurred only after initially repelled bears had resumed aggressive behavior. In 2 cases, the person left the area, presumably with the bear remaining. In 3 cases, the person who did the spraying was injured and hospitalized. Ten of the aggressive brown bear incidents involved a female with cubs. Only one involved an adult male.

Against brown bears that were mainly acting curiously or searching for human's food or garbage, the bears stopped the undesirable behavior in 20 of 20 instances, but the only aggression displayed by any of these animals involved 4 cases in which aggression was associated with attempts to obtain a person's food. In 18 (90%) of the incidents involving curious or hungry bears, the bears departed immediately after spraying. Most of the curious/hungry brown bear cases involved just one subadult bear.

The results that Herrero and Higgins (1998) compiled for black bears were not nearly as impressive as their brown bear data. Although spraying reportedly changed the aggressive black bear's behavior in all 4 such incidents, none of those bears left the area after the spray was discharged; and one of them reportedly was exhibiting predatory behavior (i.e., regarding the person as dinner). In 2 cases, the person doing the spraying left the area subsequently, with the bear following the person in one instance. The only case of a black bear leaving occurred after a shotgun was fired. In another instance, the black bear was killed by use of a firearm.

In 26 cases involving black bears that appeared to be curious or looking for human garbage or food (other than the person), Herrero and Higgins (1998) report that the bears left the area after having been sprayed in 14 cases but later returned in 6 instances. In 8 cases, the bear either did not leave or subsequently returned after having received a substantial dose of spray in the facial area. The bear's behavior was changed in 19 of the 26 instances. The incidents with curious or hungry black bears involved just one bear in 24 of 26 cases, with a female and cubs being involved in the other two.

In contrast to the brown bear result that they cite selectively in "Appendix G", UDAP alludes to a U.S. Fish & Wildlife Service study in which it is claimed that humans escaped injury in only 52% of the incidents (total not indicated) in which the person used a firearm for protection. UDAP implies that some of injured 48% of these attacked humans were killed.

The truth of the matter with bear pepper sprays seems to be that they have been used successfully thwart bear attacks and to run bears off in other instances. In some cases, the sprays have caused maulings in progress to be stopped, but not always before serious injuries were sustained. When pepper sprays have worked, they may well have

saved humans' lives and may have save bears' lives if the humans under attack also had a firearm readily available and "loaded for bear". It has been clear right along that bear pepper sprays can save human lives. Therefore, "LIFE saver" is true but misleading, at least without appropriate qualifications. It would be more accurate (but far less snappy) to say something like

Bear pepper sprays have turned charging bears away and have caused bears to stop maulings in progress. Because of this, human lives probably have been saved.

As for the sparing of bears' lives, the "Spray 'em -- don't slay 'em" text in "Appendix C" of the 11/13/03 submission which IRB has accepted should be sufficient.

When considered in prior reviews "Wisdom is better than strength" appeared in context as "'Wisdom is Better than Strength" Ecc 9:16'. I was somewhat critical of the statement "for bringing religion into the mix" (efficacy review of 10/23/03) but found it objectionable mainly because I found it to be, at best

A true statement used in such a way as to give a false or misleading impression to the purchaser.

As such, I concluded that its inclusion on labeling would misbrand the product under the provision of 40 CFR, §156.10(a)(5)(vii). In the efficacy review of 10/23/03, I added that

Minus the scriptural reference and in an appropriate context, the sentence "Wisdom is better than strength" might be acceptable.

Adding "- be prepared!" to "Wisdom is better than strength" replaces the scriptural reference with the Boy Scout motto. (Thinking spiritually and/or about what one learned as a Boy Scout would be understandable in bear country.) I find that "Wisdom is better than strength - be prepared!" to be a bit better than ""Wisdom is Better than Strength" Ecc 9:16". However, the full context of the thoughts would seem to be

Wisdom is better than strength in encounters with bears. Learn what to do and how and when to respond if a bear charges.

The idea here is that, while one cannot outfight or outrun a bear, knowing how to behave and respond is the route to self-protection.

In discussing "Wisdom is better than strength - be prepared!" in "Appendix G", UDAP emphasizes

educating the consumer about safety and being prepared long before they get into a potentially dangerous situation with an aggressive bear.

I do not doubt UDAP's sincerity in this regard. It also is clear that the perceived need for an appropriate tool to use in responding to aggressive bears is PEPPER POWER's raison d'etre. If followed by educational material, either "Wisdom is better than strength - be prepared!" or the longer version that I drafted would be tolerable for use in advertising. Implications that only PEPPER POWER will protect someone against charging bears would seem to be false, however, as there are other registered bear

pepper sprays and I know of no evidence indicating that one of them is markedly superior to the others. PEPPER POWER is a bit higher than some of its competitors in active-ingredient strength and (as BEARGUARD) had some impressive results in spray pattern tests. The extent to which such differences might impact effectiveness against bears has not been tested in any study of which I am aware.

(We already have accepted "Be prepared" by itself.)

The old claim

Grizzly attack survivor Mark Matheny **Produces** a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop attacks!

reportedly has been

Changed on Labels and Advertizing to: "Produced by a Grizzly Attack Survivor".

That Matheny survived a grizzly attack is not in dispute. He has pictures and witnesses that seem to document the event. A pepper spray product reportedly was used in Matheny's defense, but that product could not have been PEPPER POWER as it did not exist at the time.

Whether Matheny "Produces" PEPPER POWER, let alone "a complete line of Pepper Power pepper sprays and EPA registered bear spray", is not as clear. The product apparently has been formulated and loaded into aerosol canisters by another entity. Therefore, "Produces" is misleading. Without other information, many would infer that "Produces" means "makes" or "manufactures". In fact, UDAP's interpretation of "Produces" (below) puts that interpretation first and second.

In this context *Produces* is defined as: to make or create something; to manufacture goods for sale; to cause something to happen or arise; to yield something (to bring forth or bear something); and finally to organize and supervise the making of something. All definitions of what UDAP Industries, and Mark Matheny, does to bring PepperPowerTM Bear Sprays to the market.

UDAP Industries inspects, packages and ships every single can of bear spray from their facilities at 13160 Yonder Road, Bozeman, MT 59718. They never have drop shipped any product to a customer, retailer, wholesaler or distributor. UDAP does all of the things defined as "produces" in the previous paragraph and, therefore, has established that they are the producers of PepperPower™ Bear Sprays.

Noticeably absent from this list of tasks performed by UDAP are mixing product and loading canisters. It appears that "packages", as used in the quoted material, refers to putting canisters plus labels and holsters into clamshell packages and/or other retail packages, preparing packaged product for shipment, and shipping product. To me, these items are elements of handling rather than of manufacturing. The things that UDAP and Matheny do with respect to PEPPER POWER meet some of the definitions of "produce"

(as a verb) but not all of them and not the first ones ("make" and "manufacture") likely to come to mind in context. As UDAP only has one registered bear pepper spray product (72007-1), it would be false to claim or imply more than one bear spray or a "complete line" of them. Therefore, saying that UDAP or Matheny "offers", "markets", or "provides" PEPPER POWER would be accurate but it seems misleading and false to state

Mr. Matheny does in fact produce a complete line of EPA registered PepperPower™ bear sprays to stop attacks!"

Revised "UDAP BEAR SAFETY TIPS" brochure

Like the version considered in the efficacy review of 10/23/03, the revised version of this brochure includes a "THANK YOU!" to people who buy Pepper Power bear pepper spray. This inclusion indicates that the brochure is to accompany the product in commerce and constitutes "labeling" as defined in FIFRA §2(p)(2).

This brochure begins with 13 pages that are devoted mainly to bear behavior, bear encounters, and what humans should do in particular situations, with only passing references to UDAP and its bear pepper spray. The text on these 13 pages is changed little from the brochure that I reviewed on 10/23/03. The changes that I detected were in areas that I addressed in that review and that were mentioned in IRB's letter of 1/5/03.

On page 14, the document shifts from information about bears and bear attacks in general to an account of Matheny's experience ("UDAP PEPPER POWER BEAR DETERRENT'S BEGINNINGS"). Under this caption, the picture of a bloodied Matheny remains in the brochure with the words "Thanks to God, a friend, and pepper spray, I am still here." along with Matheny's name and his connection to UDAP. Below Matheny's name and title is what appears to be a more recent picture of Matheny. The second picture appears where the earlier version of the brochure presented the following scriptural quote and citation:

"I can do all things through Christ who strengthens me." Phil. 4:13

The long-after shot of Matheny seems to be a more appropriate inclusion in Pepper Power's brochure.

The account of Matheny's mauling appears on page 15, beginning with the caption "Spray 'em - Don't Slay 'em". The first several paragraphs of the account are as they were in the earlier version but for the insertion of the sentence:

However, noting that running out of pepper spray may have been a problem, Mark thought that a better product and education was [sic] needed.

(According to the account, the pepper spray possessed by Matheny's companion was "Not a Bear Spray" and came in a "4 oz. can".)

Both versions of the account include the sentence "Mark's experience changed his life." In the revised brochure, the text following that sentence continues as shown below.

Since founding PepperPower, Mark has been a relentless bear deterrent advocate. His goal from the start was not just to sell bear deterrent, but also to educate the public about the causes, prevention and realities of bear attacks.

In a short time UDAP Pepper Power Bear Deterrents have generated testimonials from grateful customers.

The following Testimonials are from people using UDAP Bear Spray EPA Reg. No. 72007-1.

The thrust of this text is similar to that which it replaced. If the last sentence were true, only testimonials related to events occurring after 3/6/03 could be included. That was the date on which the registration of this product was transferred to UDAP, whereupon the product was assigned the registration number 72007-1.

The account in the brochure and statements in "Appendix G" regarding Matheny's and UDAP's roles in the packaging and marketing of PEPPER POWER do not seem to document the actual course of development of the various things that have been called "UDAP Pepper PowerTM" bear deterrent. It may be that Matheny got the idea to go into the bear spray business and hired a firm to make product for him. The nature and extent of Matheny's role in product testing and development are not clear. Unless we learn otherwise, we will consider Matheny to be the registrant and retail packager of 72007-1.

Testimonials from "Dave Wood & Steve Chamberlain", from "Dr. Crosson & Nils Wygant", and from Sheldon Smith appear (on numbered and number-less pages) in the revised version of the brochure as they did in the one that I discussed in the efficacy review of 10/23/03. The testimonial from Eric Burge has been modified in the revised brochure to include what presumably is his picture plus the additional paragraphs shown below.

Since Eric's encounter Mark Matheny and him [sic] have become good friends. Both Eric and Mark like to bow hunt and enjoy the backcountry.

Currently, Eric is working on his film thesis for Montana State University in relation to the active ingredient of bear spray (Capsaicin and Related Capsaicinoids) and the power of hot peppers.

Those revelations suggest a personal and perhaps business relationship between Burge and Matheny which reportedly developed after Burge used Matheny's product.

Page 17 of the revised brochure is occupied by a testimonial attributed to Ben Macht. This item seems to replace the testimonials from Nate Vance, Mike Lapinski, and Jeff Buckingham. Some or all of the incidents that inspired the deleted testimonials occurred before BEARGUARD was registered and, therefore, before UDAP became a supplemental registrant of BEARGUARD. In the efficacy review of 10/23/03, I indicated that testimonials from the period of illegal sale should be dropped. IRB relayed that opinion to UDAP in the letter of 11/5/03.

With the "PRACTICAL PREPARATION" section beginning on page 18, the brochure shifts to descriptions and information about PEPPER POWER. UDAP has modified this

section in response to IRB's comments. Such is the case throughout much of the rest of the brochure, and my comments on it are largely editorial (see "CONCLUSIONS"). One exception involves new text added to page 21 as part of a lengthy answer to the question "Does pepper spray attract bears?". The last two sentences of the new material include a ("false and misleading") claim that pepper spray is the absolute "best means (lethal or non-lethal) to deter an aggressive bear" and a gratuitous statement about new testimonials being "received monthly".

202.0 CONCLUSIONS

"Appendix G" Claims

In the "Appendix G" document, you request that we

Please reconsider the following for marketing, environmental and educational purposes only and not for labeling.

You should note that pesticide advertising is often scrutinized by EPA for "false and misleading" statements and that such materials become pesticide labeling when they accompany pesticide products in commerce. Advertising in general is regulated under the Federal Trade Commission Act. Under that Act, the Federal Trade Commission may request submission of evidence supporting particular claims and may require deletion or modification of such claims if the evidence is not provided or is found to be nonsupportive or insufficient. Therefore, it is not clear to us that statements used "for marketing, environmental and educational purposes only and not for labeling" would be evaluated much differently from those used on labeling.

Our reassessments of the claims that you asked us to reconsider appear below.

I. "LIFE saver"

Previously, we indicated that the "LIFE saver" claim seemed to be a (categorically) "false or misleading" efficacy claim as well as a presumably true statement being used to mislead. The issue was not whether Pepper Power had deterred bears and human saved lives but rather the implication that one could become completely safe by carrying a can of bear pepper spray. On labeling, there also was the matter of whether a relatively conspicuous presentation of the "LIFE saver" claim would detract from required text. In advertising, there also is the off chance that the "LIFE SAVERS" candy people would take issue with your proposed claim.

Your arguments in "Appendix G" essentially are that using bear pepper spray can save both the human and the bear. While that is the concept of the product ("Spray 'em -- don't slay 'em"), the isolated claim "LIFE saver" suggests an assured outcome.

You state:

Over the past five years our data has [sic] shown that bear spray is highly effective at deterring and/or stopping an aggressive bear. To date, we have not had one case where UDAP PepperPower™ Bear Spray, when used according to the instructions on the label, has not

worked to stop or prevent an attack. As a result, UDAP Industries does not have any unsuccessful testimonials.

We note that you offered an incentive -- a free can of product -- for favorable testimonials and that a person killed by a bear would not be in a position to submit one. Someone who made timely use of product but was not fully protected might or might not have written to you or, indeed, might not have used the product properly. Cases of failure of the can to spray appropriately, if any, might not have been reported to you or might have been attributed to old or previously exhausted contents.

The data that you cite to compare outcomes when pepper spray or firearms were used against aggressive bears appear to us to be selective. The 94% success reported by Herrero and Higgins in their 1998 paper pertained only to aggressive brown bears. In those 16 cases, the attacked person still sustained injury and/or went to the hospital in 3 instances. The results that those authors summarize for aggressive or curious black bears did not show as consistently favorable outcomes as did their data for aggressive brown bears.

We do not immediately recall the U.S. Fish and Wildlife Service's study on the use of firearms against bears. We do not find the results that you mention to be implausible, however, and agree that it would be easier to miss with a firearm than with a can of fresh pepper spray. However, the incidence of injury is well above zero among people involved in incidents in which pepper spray was used -- even when it ultimately drove the bears away. The testimonials that you have provided to us have included instances in which injuries occurred before the victim or a companion was able to use the spray successfully.

It is clear that bear pepper sprays have been used successfully thwart bear attacks and to run bears off in other instances. In some cases, the sprays have caused maulings in progress to be stopped. When pepper sprays have worked, they may well have saved humans' lives and may have save bears' lives if the humans under attack also had a firearm readily available and "loaded for bear". The phrase "LIFE saver" is true but would be misleading without appropriate qualifications. It would be more accurate to say something like

Bear pepper sprays have turned charging bears away and have caused bears to stop maulings in progress. Because of this, human lives probably have been saved.

As for the sparing of bears' lives, the "Spray 'em -- don't slay 'em" text that we have accepted conveys that message.

2. "Wisdom is better than strength - be prepared!"

We find the text "Wisdom is better than strength - be prepared!" to be less problematic than ""Wisdom is Better than Strength" Ecc 9:16" and note that we already have accepted the "be prepared" part. However, the full context of the thoughts would seem to be

Wisdom is better than strength in encounters with bears. Learn what to do and how and when to respond if a bear charges. The idea here is that, while one cannot outfight or outrun a bear, knowing how to behave and respond is the route to self-protection. If followed by educational material, either "Wisdom is better than strength - be prepared!" or the longer version that we show above would be tolerable for use in advertising. Implications that only PEPPER POWER will protect someone against charging bears would seem to be false, however, as there are other registered bear pepper sprays; and we know of no evidence indicating that one of them is markedly superior to the others.

3. "Produced by a Grizzly Attack Survivor".

It has been established that Mark Matheny is a "Grizzly Attack Survivor", although it remains misleading to suggest that the experience makes him uniquely qualified or more qualified than anyone else to market a bear pepper spray.

Whether Matheny "Produces" PEPPER POWER, let alone "a complete line of Pepper Power pepper sprays and EPA registered bear spray", still is not as clear. The product apparently has been formulated and loaded into aerosol canisters by another entity. Therefore, "Produces" is misleading, although some of what UDAP does falls within the some of the meanings of "produce", broadly defined as a verb. Without other information besides the word "Produces", however, many would infer that "Produces" means "makes" or "manufactures".

As we understand matters, it would be accurate to state that the product is "marketed", "offered", or "provided for sale" by "Mark Matheny" (or by UDAP). It also would be true to state that Mark Matheny is "a survivor of a grizzly bear attack." Running the two items together might imply to some that Matheny's product ought to be better than anyone else's. What seems to have happened is that the attack provided the impetus for Matheny to enter the pepper spray business and to find out who could make the product for him. Once that hurdle was cleared, Matheny/UDAP then marketed PEPPER POWER.

As there is only one bear pepper spray registered to UDAP, it would be false to claim that either the company or its President offers a "complete line of bear pepper sprays". More than one container size does not make more than one spray.

"UDAP BEAR SAFETY TIPS" brochure

- As modified, this item still includes a "THANK YOU!" to people who buy Pepper Power bear pepper spray. Therefore, the brochure seems intended to accompany the product in commerce and is considered to be labeling.
- In the sixth sentence of the third paragraph under "Spray 'em Don't Slay 'em" (page 15), change "a better product and education was needed" to "a better product and education were needed."
- Only accounts of bear encounters occurring after 3/6/03 legally could have involved EPA registration number 72007-1 (page 16). Representations to that effect would only be correct if "72007-1" appeared on the can that was used.

4. Apparently for the reasons indicated in our letter of November 5, 2003, several testimonials that appeared in the earlier version of the brochure do not appear in the one submitted on November 13, 2003. The newer version also includes a testimonial (from Ben Macht) that is new to the brochure. Although the reported encounter ultimately had a favorable outcome, Macht's account indicates that he would have been in serious trouble if the bear's initial charge had not been a bluff because the bear pepper spray was not on his person in use-ready mode.

All testimonials which remain in the brochure must appear entirely in the words of the person supplying the information, with no material added or deleted that would alter the reader's impression of the incident. Testimonials in the brochure should be representative of those received by the company, with the words of less-than-fully-satisfied customers, if any, also being included. Accounts of less-than-fully successful uses and perhaps luckily favorable outcomes such as Macht's may serve instructional purposes with respect to timing and distance of application, effects of weather conditions, and do's and don't of human preparedness and behavior before, during, and following encounters.

We note the disclosure of a friendship the reportedly developed between testimonial-provider Eric Burge and Mark Matheny subsequent to his providing a testimonial concerning use of Pepper Power. Any other friendships or ongoing business relationships (other than repeated purchases of pepper spray for personal use) between those who provided testimonials and UDAP and/or its personnel should be disclosed in the brochure.

- Under "FREQUENTLY ASKED QUESTIONS" (page 19), insert a question mark after "What does Bear Spray actually do to the bear". The item "Take away the bear's sense of smell" that has been added to the bulleted list of answers to that question should be deleted. While it is likely that sensory input from the spray would diver the bear's attention from olfactory cues with some physiological responses also diminishing olfactory acuity, neither event would necessarily mean that the bear had lost its sense of smell entirely. (You might need a talking bear to find out whether it could still smell. If you were to spray a human surrogate with BEAR PAUSE) not recommended -- and asked that person whether he or she could smell anything, you might get an unprintable answer.)
 - 6. Under "FREQUENTLY ASKED QUESTIONS" (page 19), change "cans" to "can's" in the last sentence in the paragraph following "Once the can is sprayed, can it be used again?".
 - Under "FREQUENTLY ASKED QUESTIONS" (pages 20 and 21), for the item "Does pepper spray attract bears?", make the changes indicated below.
 - Change the spelling of "repellant" to "repellent".
 - Insert the sentence "DO NOT spray PEPPER POWER BEAR DETERRENT on people" after the sentence that talks about "OFF or DEET"
 - c. Delete the last two sentences on page 21, namely

Ask anyone who has used bear pepper spray to stop and drive off a bear, and they will tell you that a large can of bear deterrent, carried in an easily accessible holster, is unquestionably the best means (lethal or non-lethal) to deter an aggressive bear. In addition, new testimonials are received monthly attesting to the effectiveness of bear spray in stopping and deterring bear attacks.

The first of these sentences includes an absolute claim of superiority of bear pepper spray over all other possible techniques for deterring bears. Such a claim would be patently false or misleading. Anyone's perspective in this area is going to be limited to his/her own experiences and those of friends with whatever method(s) they used.

The second of the quoted sentences would be proven false if a single month (say January) were to pass without a favorable testimonial. Even with that part of it corrected, the statement is gratuitous. This section should end with the sentence that indicates that bear sprays are most effective when the bear's face is sprayed. That seems to be the appropriate take-home educational message for the discussion of how to and how not to use the product.

8. In the second sentence under "WHAT ABOUT HUNTING IN GRIZZLY COUNTRY?, change "has beat" to "has beaten" or just "beat".

William W. Jacobs Biologist Insecticide-Rodenticide Branch March 22, 2004

Appendix C page 1

Advertising claims for UDAP Industries Inc. Pepper Power Bear Deterrent

- 1. 2Q outside curl, internally lined, seamless aluminum can
- 2. Affects eyes, nose and throat rapidly
- 3. All Holsters designed for rapid removal
- 4. Bear spray works
- 5. Crosses over Canada border (See Appendix C Page 2 for information regarding this claim)
 - 6. Deters bears from aggressive attacks
 - 7. Effective range up to 30 feet
 - 8. Each batch is coded and has an expiration date of three years
 - 9. Fog pattern (presented with illustration)
 - 10. High-emission, fire-extinguisher style spray pattern
 - 11. Highly visible spray
 - 12. Large rectangular nozzle
 - 13. Mark Matheny, President UDAP Industries, a grizzly attack survivor
 - 14. Successful in many bear attacks
 - 15. Established by a Grizzly Attack Survivor
 - 16. Spray'em don't slay'em
 - 17. UDAP Bear spray works
 - 18. We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife.
 - 19. Can be your life saver

MEMORANDUM FOR

Regional OGD Coordinators Customs Regional Services All Regions

SUBJECT:

Importation of U.S. registered Bear Spray For Hiker's Own Use into Canada

The purpose of this memorandum is to provide you with information relating to the change in policy with respect to the importation of bear spray into Canada for personal use.

POLICY CHANGE: As of May 1999

The PMRA has requested that Customs no longer apply the price limit criteria for these products.

This policy change will be limited to bear products only. Dog repellant sprays, which have the same active ingredient, are being reviewed by the Department of Justice but will continue to be administered according to the current policy.

Therefore, Customs will allow importations of U.S. registered bear spray into Canada provided that they meet the size restrictions only.

If you have any questions, please contact me at (613) 954-7152 or Heather Caughey at (613) 954-7199.

Jim MacKenzie Admissibly Programs Trade Policy and Interpretation Directorate

Appendix C page 1

Advertising claims for UDAP Industries Inc. Pepper Power Bear Deterrent

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If you have any questions, please contact me at (613) 954-7152 or Heather Caughey at (613) 954-7199.

Jim MacKenzie Admissibly Programs Trade Policy and Interpretation Directorate Please reconsider the following for marketing, environmental and educational purposes only and not for labeling.



1. LIFE saver – Is used for the purpose of allowing a consumer the option of choosing, in advance, whether they want to defend themselves with a firearm or bear spray. One is lethal, one is non-lethal. A gun is chosen with the intent of harming, injuring or killing a bear in the event of an attack – there are no other options in choosing a gun. Chances are a firearm would be used to injure or kill a bear. In addition, the effectiveness of using a gun to protect oneself, in a bear attack, is questionable. Individuals, with firearms, who shoot, panic or run from charging grizzly bears usually end up with the worst injuries. The U.S. Fish and Wildlife did a study on firearms used for protection against bears and only 52% were effective without injury. The other 48% were injured to some extent or killed by the bear.

On the other hand, while its main purpose is keep the user alive, making the decision to use Pepper spray is making a conscious choice to preserve the bear's life. A study by Dr. Stephen Herrero found that 94% of the time bear spray was effective in protecting oneself from grizzly bears. Over the past five years our data has shown that bear spray is highly effective at deterning and/or stopping an aggressive bear. To date, we have not had one case where UDAP PepperPowerTM Bear Spray, when used according to the instructions on the label, has not worked to stop or prevent an attack. As a result UDAP Industries does not have any unsuccessful testimonials.

UDAP PepperPower™ Bear Spray is designed and has been shown to keep humans safe from injury or death <u>and</u> to preserve our bears. It does save lives; *LIFE saver* is used to help convince people that carrying bear spray, instead of a gun or another option, is a safer, more effective means of protecting one's life.

We understand nothing is 100% guaranteed, and we would never market it that way. This can be said for any product on the market, including firearms. Bear spray itself, when used incorrectly, will not deter an aggressive bear. Just as with a gun, or any other personal defense product, it must be pointed in the right direction and discharged correctly to be effective. However, to say that we cannot claim our product is effective or a lifesaver unless it is 100% effective, 100% of the time, is a mistake and may, ultimately, cost some one their life.

In addition, UDAP Industries' product labels clearly state that the customer read the entire label before using UDAP PepperPowerTM Bear Spray. This recommendation is included to educate customers on the proper usage of bear spray, and "LIFE saver" is in no way designed to detract from the required label text.

2. Wisdom is better than strength - be prepared! - Text used in this manner is to educate the public to be properly prepared in bear country. Physically, humans are no match for the strength of a bear, and it is prudent to be prepared before entering their domain. UDAP is a strong advocate of using common sense and being prepared under any conditions, especially in situations that bring a person into direct contact with bears.

Therefore, UDAP Industries is passionate about educating the consumer about safety and being prepared long before they get into a potentially dangerous situation with an aggressive bear. Being knowledgeable and prepared is good advice under any circumstance but especially in the backcountry facing a possible bear attack. Adopting this attitude may just save that person's life.

 "Grizzly attack survivor Mark Matheny Produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop attacks!"

Changed on Labels and Advertising to: "Produced by a Grizzly Attack Survivor"— UDAP is now the main registrant with the EPA and, as the owner and founder of UDAP Industries, Inc., Mr. Matheny does in fact produce "a complete line of EPA registered PepperPower™ bear sprays to stop attacks!"

In this context *Produces* is defined as: to make or create something; to manufacture goods for sale; to cause something to happen or arise; to yield something (to bring forth or bear something); and, finally, to organize and supervise the making of something. All definitions of what UDAP Industries, and Mark Matheny, does to bring PepperPowerTM Bear Sprays to the market.

UDAP Industries inspects, packages and ships every single can of bear spray from their facilities at 13160 Yonder Road, Bozeman, MT 59718. They have never drop shipped any product to a customer, retailer, wholesaler or distributor. UDAP does all the things defined as "produces" in the previous paragraph and, therefore, has established the fact that they are the producers of PepperPowerTM Bear Sprays.

file in jacket 72007-1



Tim Lynch <timl@udap.com>

12/29/03 08:18 PM Please respond to Tim Lynch

To: Dan Peacock/DC/USEPA/US@EPA, Dan Peacock/DC/USEPA/US@EPA

CC:

Subject: UDAP Industries Inc. (Questions)

Mr. Dan Peacock, <?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office"

First, Hope you are feeling better! We just have a couple of questions and could use your help.

We just received our Pesticide Registration Maintenance Fees bill in the mail and it has "BearGuard" as the product name instead of "UDAP Pepper Power Bear Deterrent" with our company number. If possible, we would like this corrected before we pay this fee.

2. We were wondering the status for the rest of the amendment including the Bear Safety Tips etc. mouth

3. In addition, we have not seen any changes on the web yet as far as UDAP Industries Inc.

Being the Main Registrant. It still has BearGuard listed as the main registrant in Arizona. Be done

We would like to have this information accurate going into this next year.

Change in Co hame

4. We have sent in a letter to correct our company name to UDAP Industries Inc. instead of

Universal Defense Alternative Products. The letter we sent is attached to this email. How forward co long will it take to have this corrected?

(an change co name Cax Me.

Thank you in advance for your help.

Tim Lynch

UDAP Industries Inc.

Phone: (406) 763-4242 Fax: (406) 763-5052

timl@udap.com

305-365-7670

Maureen Sherrill tel 703-5361 305

UDAP Industries Inc. 13160 Yonder Road Bozeman, MT 59718

November 13, 2003

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

Office of Pesticide Programs, EPA 1921 Jefferson Davis Highway Arlington, VA 22202

RE: UDAP Pepper PowerTM Bear Deterrent EPA Registration Number 72007-1 Change of Company Name on file.

Dear Mr. Peacock:

UDAP Industries Inc. with this letter submits the request to have its name corrected to the legal name of "UDAP Industries Inc." from the current name on file with the EPA of "Universal Defense Alternative Products."

We thought by submitting an amendment under the name of UDAP Industries Inc. may have taken care of it, but we noticed in a reply that it has not.

Please correct this as soon as possible. We noticed it is wrong on the web also. Thank you for your help.

Sincerely,

Mark Matheny President, UDAP Industries Inc.

Phone: (406) 763-4242 Fax: (406) 763-5052 markm@udap.com

Company Name Corrected.d

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Phone: (406) 763-4242

Fax: (406) 763-5052 markm@udap.com



Tim Lynch <timl@udap.com>

12/29/03 08:18 PM Please respond to Tim Lynch To: Dan Peacock/DC/USEPA/US@EPA, Dan Peacock/DC/USEPA/US@EPA

CC:

Subject: UDAP Industries Inc. (Questions)

Mr. Dan Peacock, <?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office"

First, Hope you are feeling better! We just have a couple of questions and could use your help.

- We just received our Pesticide Registration Maintenance Fees bill in the mail and it has "BearGuard" as the product name instead of "UDAP Pepper Power Bear Deterrent" with our company number. If possible, we would like this corrected before we pay this fee.
- We were wondering the status for the rest of the amendment including the Bear Safety Tips etc.
- 3. In addition, we have not seen any changes on the web yet as far as UDAP Industries Inc. Being the Main Registrant. It still has BearGuard listed as the main registrant in Arizona. We would like to have this information accurate going into this next year.
- 4. We have sent in a letter to correct our company name to UDAP Industries Inc. instead of Universal Defense Alternative Products. The letter we sent is attached to this email. How long will it take to have this corrected?

Thank you in advance for your help.

Tim Lynch UDAP Industries Inc. Phone: (406) 763-4242 Fax: (406) 763-5052

timl@udap.com

UDAP Industries Inc. 13160 Yonder Road Bozeman, MT 59718

November 13, 2003

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Phone: (406) 763-4242 Fax: (406) 763-5052 markm@udap.com

Company Name Corrected.d

Decision #: 332483

DATA PACKAGE BEAN SHEET

Date: 22-Mar-2004 Page 1 of 1

* * * Registration Information * * *

Company:	72007 - UDAP INDUSTRIE	ES INC.			
Risk Manager:	RM 07 - John Hebert - (703) 308-6249 Room# CM-2				
sk Manager Reviewer:	Daniel Peacock DPEACOC	CK		<u> </u>	
Sent Date:		Calculated Due	Date: 13-Aug-2004	Edited Due Date	:
Type of Registration:	Product Registration - Secti	ion 3			
Action Desc:	(305) DATA REQUIRED;T	ECHNICAL;			
Ingredients:	070701, Capsaicin(2%)				
		Data Package	miormanion		
	○ Yes ● No 070701, Capsalcin	Data Package Date	Sent: 05-Feb-2004	Due Back	
	○ Yes ● No				
DP Ingredient:	○ Yes ● No 070701, Capsalcin		Sent: <u>05-Feb-2004</u>		
DP Ingredient:	O Yes ● No O70701, Capsaicin O Yes ● No L	Date	Sent: <u>05-Feb-2004</u>	Due Back	
DP Ingredient: DP Title: CSF Included:	Yes ● No070701, CapsalcinYes ● NoL	Date	Sent: 05-Feb-2004 No Parent	Due Back	
DP Ingredient: DP Title: CSF Included: Assigned To	Yes ● No070701, CapsalcinYes ● NoL	Date abel Included: Yes	Sent: 05-Feb-2004 No Parent Date Out	Due Back	04-Jul-2004
DP Ingredient: DP Title: CSF Included: Assigned To Organization: RD / IF	Yes No 070701, Capsaicin Yes No L	Date abel Included: Yes	Sent: 05-Feb-2004 No Parent Date Out	Due Back	04-Jul-2004

No Studies

* * * Additional Data Package for this Decision * * *

No Additional Data Packages

* * * Data Package Instructions * * *

Bill,

As indicated in our Dec 4, 2003, itr, we reviewed and approved the revised labeling (App A and B) and the proposed, acceptable advertising claims (App C) so that they company could use the revised labeling and could use the acceptable ad claims.

Afterwards we promised to review the more complex material (App E, "Bear Safety Tips") and the reconsideration of unacceptable ad claims (App G).

This request covers the more complex material.

Thank You,

Dan Peacock

P.S. If you could give me an estimated completion date, that would be helpful as I am sure to receive frequently inquiries from the registrant, UDAP.

November 13, 2003

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) Office of Pesticide Programs, EPA 1921 Jefferson Davis Highway Arlington, VA 22202

RE: UDAP Pepper Power™ Bear Deterrent

EPA Registration Number 72007-1

Response to your review of proposed Product Name, other labeling changes, advertising claims, testimonials, and bear safety tips,

Dear Mr. Peacock:

UDAP Industries Inc. with this letter submits a response to your review dated November 5, 2003. Our response is basically the material resubmitted with the EPA requested changes. We have labeled folders according to your response so you may easily find the data and changes you are looking for. For example, in your review the Pepper Power label was "Appendix A". Therefore in our response we continued to call it that.

I. Product Name Change

We noted that the name change from BearGuard™ Bear Deterrent to UDAP Pepper Power™ Bear Deterrent was accepted. We will now use the EPA registration number 72007-1 on the UDAP Pepper Power™ Bear Deterrent label.

II. Other Labeling Changes

We have reviewed your response to the labeling changes and have made the requested changes.

A. Can Label (Appendix A)

- 1. We have revised the "FIRST AID" section according to PR Notice 2001-1.
- We have placed our "PHYSICAL OR CHEMICAL HAZARDS" section after the "ENVIRONMENTAL HAZARDS" section.
- We have revised our "STORAGE AND DISPOSAL" section according to PR Notice 2001-6.

B. Clamshell Labeling with Paper Insert (Appendix B.)

- This labeling consists of printed material, which we have numbered Page 1 through Page 6. We have made the appropriate changes for wording on these pages and have deleted wording that was not acceptable.
- 2. You will notice on page 5 and 6 of (Appendix B) that we have not removed the word "Magnum" as it was previously accepted on our lower inserts and we have printed lower inserts with it on them.
 UDAP's only intent is to denote the size of the can and is in no way intended to be associated with firearms. You have acknowledged this fact in Appendix B, Page 5, paragraph 5, when you stated, "your main intent may have been to refer to your largest container size." Would it not be therefore reasonable to assume that the average consumer will infer the same meaning in this context? Furthermore, the definition of magnum is a large wine bottle or the contents of magnum, i.e. the volume of liquid contained in a magnum. It is very doubtful that anyone would confuse UDAP PepperPowerTM Bear Spray with a bottle of wine let alone a firearm. In fact, the Latin word magnus, which magnum is derived from, quite literally means large or great.

You may conclude that bear spray and a firearm are used for protection and, therefore, not in the same category as a wine bottle. However, there have been extreme cases (comparable to a bear attack) where a wine bottle has been used to protect and even kill another human being. In addition, there are no reported cases of a person being killed by bear spray. On the contrary, the effects of bear spray usually disappear after 60 minutes of being sprayed. Not something that can be said of being shot with a gun or, for that matter, being violently attacked with a wine bottle.

III. Advertising Claims for UDAP Industries Inc, Pepper PowerTM Bear Deterrent (Appendix C)

Appendix C consists of Advertising claims that were noted acceptable. We reworded some of the claims to your suggestions. We deleted the claims that were marked "should not use" and "delete". We will rebut the "should not use" and "delete" claims we feel are important and appropriate in (Appendix G).

IV. Testimonials Stories of actual encounters with Bears

Testimonials are a huge part of education for this product. Testimonials present situations that people can learn from. With a normal pesticide, I could see where testimonials may not be appropriate. Bear spray is a pesticide that people use under extreme stress and time is a major factor. It may be a life-threatening situation and testimonials can teach what to do and what not to do in a situation. It is a way for others to see how to react, what may happen, how to carry their bear pepper spray and how to use it successfully. Testimonials can also teach prevention.

We have no reason to believe that any of our testimonials are not true. We did offer a free can as a courtesy but will not in the future. Still, we do not believe free cans have anything to do with receiving the testimonials. Not one individual asked for a free can with their testimonial. Most likely the individual saw the message on the can that they had used to deter the bear. This is the text that has been approved on our label and is the most reasonable assumption to why they decided to give a testimonial.

"Note: As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper Power use against bear attacks. Please call 1-800-232-7941 for details."

We will no longer offer a free can for a testimonial. We will not add registration numbers to testimonials or edit them in any way.

Please reconsider the use of testimonials for the purpose of education.

V. "UDAP BEAR SAFETY TIPS" Brochure (Appendix E)

In order for the brochure to be accepted as labeling for 72007-1, we have revised it as indicated in your response. We have addressed each concern and revised the booklet according to your suggestions. When the EPA gave examples, in most cases we used those samples exactly.

VI. Claims that were marked "should not use" and "delete" (Appendix G)

UDAP Industries Inc. would not use these claims in this section on labeling. They will only be used for marketing, advertising and education. We believe the claims are not false or misleading and do not malign other products. We wish to negotiate the "should not use" and "delete" claims, we feel are important and appropriate.

In support of the response to EPA's review, enclosed you will find the following:

- Three (3) copies of Appendix A, the new label proposed in the amendment under the new name Pepper PowerTM Bear Deterrent
- 2.) Three (3) copies each of Appendix B, the proposed supplemental labeling, to be included in the plastic clamshell.
- 3.) Three (3) copies of Appendix C, containing advertising claims.
- 4.) Three (3) copies of Appendix E, UDAP Industries "Bear Safety Tips" for avoiding attacks by bears.
- 5.) Three (3) copies of Appendix G, Claims that were marked "should not use" and "delete"

Please contact me with any questions or comments you have.

Sincerely,

Mark Matheny

President, UDAP Industries Inc.

Phone: (406) 763-4242 Fax: (406) 763-5052 markm@udap.com

Environmental Protection Agency

Process Read All Instructions Before Completing this Form /form must be typed! Form Approved. OME No. 2070-0044. Approval Expires 7-31-95

Office of Pesticide Programs (7505C) Washington, DC 20460

United States

Notice of Supplemental Distribution of a Registered Pesticide Product

Instructions

After a registrant has obtained final registration for the basic product, the registrant may then supplementally distribute his/her product. One form must be submitted for each distributor product and must be signed by the distributor involved. The basic registration number and the distributor company number must be shown.

If a registrant has a potential distributor who does not have a company number assigned, she/he should have the distributor apply, on letterhead stationery, to the Registration Division to have a number assigned prior to submitting this form to the agency.

This Notice of Supplemental Distribution must be submitted by the basic registrant. The completed form must have the concurrence and signature of both the registrant and the distributor.

EPA Registration Number of Product

Distributor Company Number

72007-1

80595

Note: Do not submit distributor product labels

Name of Registered Product (basic product name accepted by EPA)

Distributor Product Name

UDAP Pepper Power^{1M} Lear Deterrent

BearDefender™ Bear Deterrent

Name and Address of Distributor (Type; include ZIP code)

Grizzly Supply LLC P.O. Box 625

Gallatin Galeway, MT 59730

Read All Conditions Before Signing

- 1. The distributor product must have the same composition as the basic product.
- 2. The distributor product must be manufactured and packaged by the same person who manufactures and packages the registered basic product.
- 3. The labeling for the distributor product must bear the same claims as the basic product, provided, however, that specific claims may be deleted if by doing so, no other changes to the label are necessary.
- 4. The product must remain in the manufacturer's unbroken container.
- 5. The label must bear the EPA registration number of the basic product, followed by a hyphen and the distributor's company number.
- 6. Distributor product labels must bear the name and address of the distributor qualified by such terms as "packed for ... "," distributed by ... "; or "sold by ... " to show that the name is not that of the manufacturer.
- All conditions of the basic registration apply equally to distributor products. It is the responsibility of the basic registrant to see that all distributor labeling is kept in compliance with requirements placed on the basic product.

Distributor

We intend to market our product under the Distributor Product Name specified above, subject to the conditions specified on this Notice.

Signature and Title of Distributor

12-11-03

Registrant

agree that the distributor numed above may distribute and sell the Distributor Product specified above, subject to the apridic Notice.

12 20606

FPA Form 8570-5 (Rev. 8-94) Previous aditions are phaglate

UDAP Industries Inc. 13160 Yonder Road Bozeman, MT 59718

January 26, 2004

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) Office of Pesticide Programs, EPA 1921 Jefferson Davis Highway Arlington, VA 22202

RE: UDAP Pepper PowerT Bear Deterrent EPA Registration Number 72007-1 Copy of Final Printed Labeling

Dear Mr. Peacock:

UDAP Industries Inc. has made the changes requested in your letter of December 4, 2003. We submit with this letter a Copy of Final Printed Labeling.

Enclosed you will find the following:

Appendix A

- 1. One copy of UDAP Pepper Power Bear Deterrent 7.9 oz canister label
- 2. One copy of UDAP Pepper Power Bear Deterrent 9.2 oz canister label

Appendix B

1. One copy of UDAP Pepper Power Bear Deterrent clamshell labeling

Please contact me with any questions or comments you have.

Sincerely,

Mark Matheny

President, UDAP Industries Inc.

Phone: (406) 763-4242 Fax: (406) 763-5052 markm@udap.com

NOT REVIEWED In Accordance with PR Notice 82-2 Based on Draft Labeling Dated

PRECAUTIONARY STATEMENTS

HAZARDS TO RUMANS & DOMESTIC ANIMALS DANGER. May cause ineversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but tempoorly eye injury. Avoid contact with skin or clothing. Wash thoroughly with soop and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

Have label with you when obtaining treatment advice

IF ON SKIN OR (LOTEING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center, lactor, or 1-300-858-7378 immediately for

IF IM EYES. Hold eye open and rinse slowly and gently with water for 15-20 minutes. Temove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminete water by disposing of unused meterial.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flume. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

STORAGE & DISPOSAL

STORAGE. STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is allove 120°F or below 32°F. Do not store in hot vehicle or in

Spalls Cell 1-800-535-5053 for CHEMICAL EMERGENCY DISPOSAL- DO NOT INCENERATE OR PUNCTURE

Hornyty En not reuse empty container. Place in Irash or offer for serving it available. I partially like Call your local solid waste ogency for disposal instructions.

Disclaimer: In the extent allowed by law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an anguing research project, UDAP Industries needs your true account of UDAP Pepper Power" use against hear attacks. Please call 1-800-232-7941 for



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ CAREFULLY THE ENTIRE LAREL LIPON PURCHASE & REFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT HE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:
Capsaicin and related capsaicinoids* 2.0%
Inert ingredients 98.0%

TOTAL 100.0% *Mode from Oleoresin of Capsicum

A UDAP Industries, Inc. P.O. Box 10808 Bozemon, MT 59719 1-800-232-7941

Produced by a grizzly attack survivor! CHEMICAL EMERGENCY: 1-800-535-5053

EPA Reg. No. 72007-1 EPA Est. No. 72007-MT-001 Net Contents: 7.9 ounces (225g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with

USE RESTRICTIONS: This product may be used only to deter bears which are ottacking or appear likely to attack human

Do not seek out encounters with boars or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no determent effect on bears. Keep safety clip in place except when practicing with determine metr on boars. Neep samp cap in purce except when pricining with or using the product. Bo not eat or allow to be eaten any food or feed anaterials which may have become contaminated with this product. Use with coulinn. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may

This product has a range of up to 30 feet (9 meters).

This conister emplies completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm APPLICATION DESCRIPTION Special procedures must be tolewed to drift the container, apply the product, and restore the safety dip to disorm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your book to the wind in an area away from people and bears. Do not test-fire Pepper Power!" in an area where you plan to carro, hunt, hite, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soop and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and proctice with it

this product before, you should obtain a UNAP training or until you can perform, quickly and accurately, the activities described in the column below.

10 ALM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, refersing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging twent virus and is about 40 feet news (2-3 seconds). toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind on rain can greatly affect the accuracy of the initial barst of spray, In some cases, you may have to wait until the bear is quite dose before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face it you must face the

TO DISARM: Replace safety clip as illustrated (Fig. 3).



Bell Jacobs Aus

Appendix A Page 1 of 2

Bear Pepper Spray

Works on All Bear **Species**

To Deter Bears from Aggressive Attacks!

Be Prepared in Bear Country

Appendix B Page 1 of 10





CHEST HOLSTER DIRECTIONS:

Hold chest holster upright, facing away from the body at chest level. Unbuckle bottom strap. Put left arm and head through top strap and place strap on shoulder. Wrap bottom strap around midsection and reattach buckle. Adjust straps to desired fit.

UDAP Bear Defense Products

ITEM# NET CONTENTS DESCRIPTION #12 - 7.9oz-225g - Bear Spray (can only)

#12HP - 7.9oz-225g - Bear Spray w/Hip Holster

#12CP - 7.9 oz-225g - Bear Spray w/Chest Holster #15 - 9.2 oz-260g - Bear Spray (can only)

#15HP - 9.2 oz-260g - Bear Spray w/Hip Holster #15CP - 9.2 oz-260g - Bear Spray w/Chest Holster

Bear Spray Accessories

GM Geta Grip - for mounting bear spray to: bikes, ATV's, RV's, boats and security locations 12ASC Pro-Tech - Aerosol safety case (small aircraft) 15ASC Pro-Tech - Aerosol safety case (small aircraft) ALLBG Grizzly Grip - Clamp-on Bracket for Hiking Poles

Read Carefully the entire label upon purchase

In any kind of attack situation you have to react under pressure. Bear Attacks can be fast, often leaving you no time to think, only time to react. We strongly recommend you take time to familiarize yourself with this products operation.

Practice makes perfect sense!

Thank you for purchasing this product.

800 BEAR 941 (2327)

Stay alert

Be Prepared!



UDAP's "Shoot from the Holster" designs!

211

Bear Attack

Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute the grizzly charged and mauled Mark twice. Mark's partner, Dr. Fred Bahnson, reacted immediately to Mark's condition and treated his wounds. Fortunately Dr. Bahnson got Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite locerations to the head and neck, bite locerations to the right arm, and also to the left anterior chest. This bear attack is what motivated Mark to establish UDAP Industries, Inc.

Be Prepared in Bear Country

For a limited time, the safety wedge will glow in the dark.

To prevent loss, the safety wedge is attached to the handle, please leave attached.





30 FOOT FOG

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with Its labeling

USE RESTRICTIONS: This product may be used only to deter bears

which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no errent effect on bears. Keep safety clp in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contominated with this product. Use with courion. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters).

This conister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and testore the safety dip to disarm the tontainer. Before toking this product into bear country, read the directions and familiarize yourself with these procedures. If you testifie this container, do so with your back to the wind in an area away from people and bears. Do not testifie Peoper Power! in an area where you plan to comp, but, bike, or fish. Do not testifie for more than a half a second. After testifier, or any analysis and area of the people and an unit comp and unter to remove recipies.

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) ITSARM

Replace safety clip as illustrated (Fig. 3).







UDAP'S HOLSTERS

Shoot from the Holster designs, providing silent and easy access to the trigger.

Chest holster can be converted to a hip holster.

Hip Holster Chest Holster



NOT store in Hot vehicle or in Carefully the entire label upon purchase direct sunlight

To Deter Bears from Attacking Humans

Appendix B Page 2 of 10

Most Bear Attacks Involve a Mother with Cub(s)

For use on All Bear Species





Bear Pepper Spray

Works on All Bear Species

FRONTSIDE

small insert 3 3/4" x 10"

> C 0 M 91 Y 87 K 0

RED 032

Appendix B Page 3 of 10 BE PREPARED!

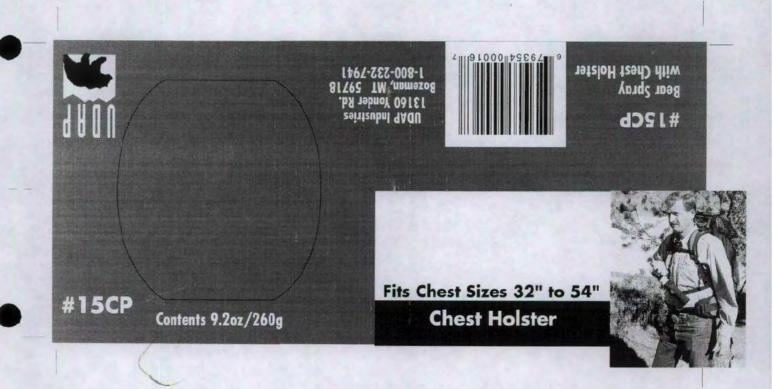


30 FOOT FOG!

To Deter Bears from Aggressive Attacks!

To prevent loss, the safety clip is attached to the hundle, please leave attached.

Appendix B Page 4 of 10



color -Red 032 7% Screen

Appendix B Page 5 of 10



UDAP ludustries Inc. 13160 Yonder Rd. Bozeman, M. 19718 1-800-232-7941

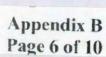


H T 2CP # T 2CP with Chest Holster

ITEM #12CP

Contents 7.9oz/225g

Fits Chest Sizes 32" to 54" with Chest Holster

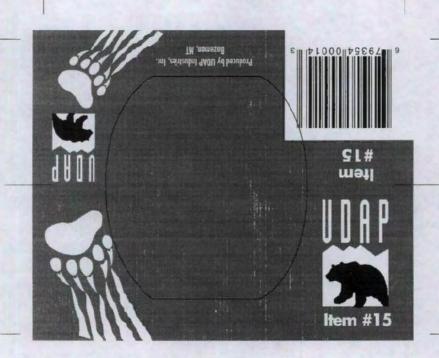




Appendix B Page 7 of 10



Appendix B Page 8 of 10

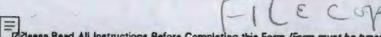


1881

Appendix B Page 9 of 10



Appendix B Page 10 of 10



Please Read All Instructions Before Completing this Form (Form must be typed) Form Approved. OMS No. 2070-0044. Approval Expires 7-31-95



United States

Environmental Protection Agency

Office of Pesticide Programs (7505C) Washington, DC 20460

Notice of Supplemental Distribution of a Registered Pesticide Product

Instructions

After a registrant has obtained final registration for the basic product, the registrant may then supplementally distribute his/her product. One form must be submitted for each distributor product and must be signed by the distributor involved. The basic registration number and the distributor company number must be shown.

If a registrant has a potential distributor who does not have a company number assigned, she/he should have the distributor apply, on letterhead stationery, to the Registration Division to have a number assigned prior to submitting this form to the agency.

This Notice of Supplemental Distribution must be submitted by the basic registrant. The completed form must have the concurrence and signature of both the registrant and the distributor.

EPA Registration Number of Product 72007-1	Distributor Company Number 80595		
Note: Do not submi	it distributor product labels		
Jame of Registered Product (basic product name accepted by EPA) JDAP Pepper Power™ Bear Deterrent	Distributor Product Name BearDefender™ Bear Deterrent		
Name and Address of Distributor (Type; include ZIP code) Grizzly Supply LLC. P.O. Box 625 Gallatin Gateway, MT 59730			
 The distributor product must have the same composite. The distributor product must be manufactured and part the registered basic product. The labeling for the distributor product must bear the specific claims may be deleted if by doing so, no other. The product must remain in the manufacturer's unbrown. The label must bear the EPA registration number of the company number. Distributor product labels must bear the name and addror", "distributed by"; or "sold by" to show that All conditions of the basic registration apply equally to 	ion as the basic product. ckaged by the same person same claims as the basic pro r changes to the label are ne ken container. e basic product, followed by dress of the distributor qualif t the name is not that of the	oduct, provided, howaver, that ecessary. y a hyphen and the distributor's fied by such terms as "packed manufacturer.	s
registrant to see that all distributor labeling is kept in c		s placed on the basic product.	
Distributor Product Name sp. Signature and Title of Distributor Maller Preside	ecified above, subject to the condit	Pata 00 3 00000	
Regis I agree that the distributor named above may distribute and sell the Dist Notice.	strant stributer Product specified above, su	bject to the conditions specified on th	is
Signature and Title of Registrent Tolk Tolker Piesi	dent	Date	

EPA Form 8570-5 (Rev. 8-94) Previous editions are obsolete.

White - EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460



OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

305 5-744033

December 4, 2003

Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59718

Attention: Mr. Mark Matheny

Subject UDAP Pepper Power Bear Deterrent

EPA Reg. No. 72007-1

Review of Labeling and Advertising Claims

Our letter of November 5, 2003 Your letter of November 13, 2003

Purpose In your submission, you requested us to review revised labeling (Appendix A, B,

and E) and advertising claims(Appendix C and G).

Review After discussing your need to have accepted labeling to submit to the states very strategy quickly, we adopted the strategy of reviewing the following documents now [can

label (Appendix A), clamshell labeling (Appendix B), acceptable advertising claims (Appendix C)] and reviewing the more complex documents later [brochure (Appendix E), and reconsideration of unacceptable advertising claims (Appendix

G)]. You indicated that this strategy was acceptable.

Page 2 of 2

Labeling review

The labeling (Appendix A and B) submitted with the above letter, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is acceptable, provided you submit one (1) copy of final printed labeling to us, with the following changes, before you ship your product.

- 1. Left justify "Active Ingredients" to the same left margin as "Inert Ingredients".
- 2. Delete "magnum" wherever it occurs, as indicated in our November 5, 2003, letter.
- 3. Refer to the enclosure on "Minimum Type Sizes for Final Printed Labels."

Advertising claims review

Advertising claims #1 through #18 are acceptable. Claim #19 (Can be your life saver) was unacceptable and will be reconsidered with material under Appendix G.

Existing stocks

Stocks of existing labels may be used for eighteen (18) months.

Consequence for noncompliance If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Questions

If you have questions about this letter, please contact me at 703-305-5407 (by phone), 703-305-6596 (by fax), or peacock, dan@epa.gov (by E-Mail).

Sincerely yours,

DBP

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

Copy to

EPA Region 8
Mail Code 8 ENF-UFO
999 18th St.
Suite 300
Denver, CO 80202-2466

Attention: Tim Osag

Letter

Dan Peacock, Disk132,A:\Capsaicin\72007-1, revised label and ad claims, 12-3-2003.wpd

Copy faxed to 406 763-5052, 12-4.2003, 237 pm

Check pet size

AGGEPTED with COMMENTS in EPA Letter Dated:

DEC - 4 2003

PRECAUTIONARY STATEMENTS

DANGER: May cause inversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or dothing. Wash thoroughly with soap and water after handling. Remove contaminated dothing and wash dathing before reuse.

Have label with you when obtaining treatment advice IF ON SER OR CULTIMAG. Take off contaminated clathing. Rinse skin insmediately with plenty of water for 15-20 infinites. Call a poison control center, dictor, or 1-800-858-7378 immediately for treatment advice.

The PTS. Hold eye open and rinse slowly and gently with water for 15-20 mitrules. Remove contact leaves, if present, after the first 5 minutes, then ontinue tinsing eye. Call a poison control contex, doctor, or 1-8)0-858-7378 immediately for treatment

ENVIRONMENTAL HAZARDS

Do not apply directly to water. On not communities water by disposing of unused material.

PHYSICAL OR CHEMICAL HAZARDS

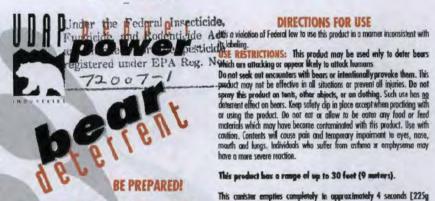
Contents under pressure. Do not use or store near hand or open Rome. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bushing.

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PITS. Do not store in places where the reimperature is above 120°F or below 32°F. Bo not there in hot vehicle or in

Spills: Call 1-800-535-5053 for CHEMICAL EMERGENCY. DISPOSAL: DO NOT INCINERATE OR PUNCTURE

If empty: Do not reuse empty container. Mace in trash or offer for recycling if available. If partially filled: Call your local solid waste agency for disposal instructions.

Dischaimer: To the extent allowed by low, UDAP industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Centuct local law enforcement officials about regulations: concerning this product. **Note:** As port of an ongoing research project, UDAP Industries needs you true occount of UDAP Pepper Power[®] use against beer attacks. Rease call 1-800-232-7941 for



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME LINEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ CAREFULLY THE ENTIRE LABEL UPON PURCHASE & BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS AUGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong initiant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active ingredients: and related consulcing

Inert ingredients TOTAL 98.0% Mode from Oleoresin of Capsicum

UDAP Industries, Inc. P.O. Box 10808 Bozemon, MT 59719 1-800-232-7941

Produced by a grizzly attack survivor! CHEMICAL EMERGENCY: 1-800-535-5053

EPA Reg. No. 72007-1 EPA Est. No. 72007-MT-001 Net Contents: 7.9 ounces (225g)

contion. Contents will couse pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from astuma or emptysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters).

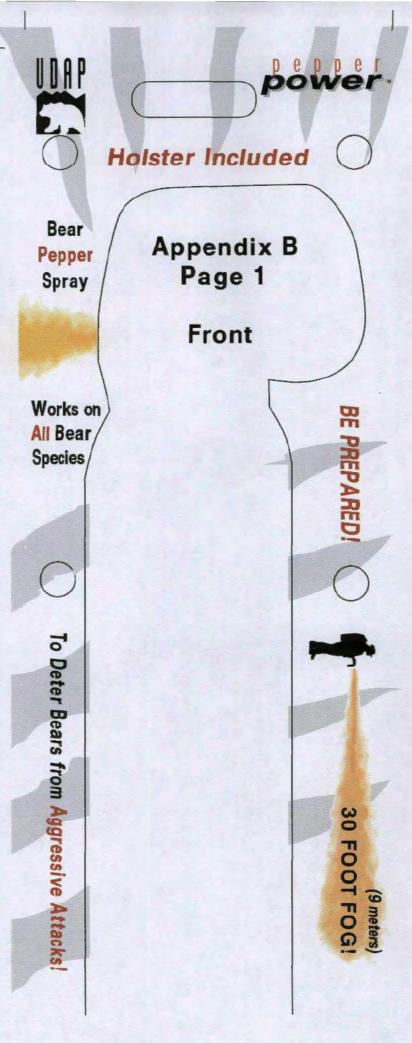
This consister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

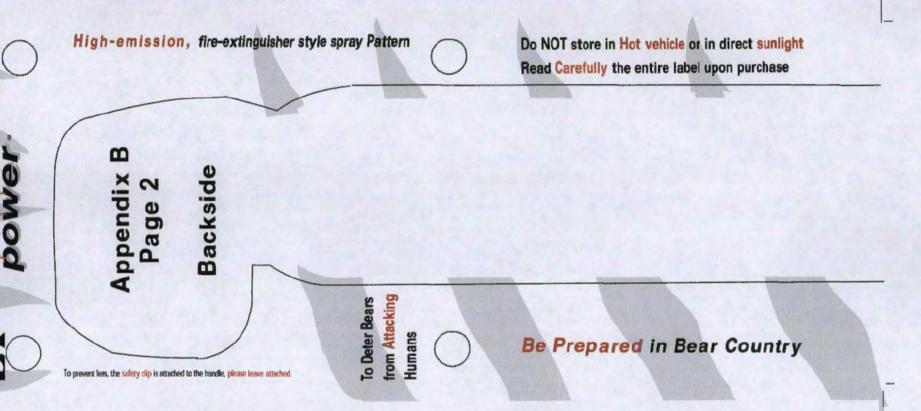
APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety dip to distrim the container. Before taking this product into bear country, read the directions and familiarize youself with these procedures. If you test-fire this container, do no with your back to the wind in an area where you plan to camp, hunt, hike, or fish. Do not test-fire Pepper Power* in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: Place forefinger through loop in handle with thumb on and of safety dip (Fig. 1). With thumb, pull safety dip up and straight back. This will expose the trigger lever. Depress higger lever with thumb, releasing a 1 second barst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (23 seconds from reaching you). Be aware that wind or min con greatly after the occurrory of the initial barst of spray, in some cases, you may have to wit until the bor is quite dose better spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

Replace safety dip as illustrated (Fig. 3).







UDAP peppe

Bear Pepper Spray

Appendix B Page 3

Works on All Bear **Species**

To Deter Bears from Aggressive Attacks!

Be Prepared in Bear Country



For use on all Bear species

UDAP Bear Defense Products

ITEM# NET CONTENTS DESCRIPTION

#12 - 7.9oz-225g - Bear Spray (can only)

#12HP - 7.9oz-225g - Bear Spray w/Hip Holster #12CP - 7.9 oz-225g - Bear Spray w/Chest Holster

#15 - 9.2 oz-260g - Bear Spray (can only)

#15HP - 9.2 oz-260g - Bear Spray w/Hip Holster

#15CP - 9.2 oz-260g - Bear Spray w/Chest Holster

Bear Spray Accessories

GM Geta Grip - for mounting bear spray to: bikes, ATV's, RV's, boats and security locations

12ASC Pro-Tech - Aerosol safety case (small aircraft)

15ASC Pro-Tech - Aerosol safety case (small aircraft) I ALLBG Grizzly Grip - Clamp-on Bracket for Hiking Poles I

Read Carefully the entire label upon purchase

In any kind of attack situation you have to react under pressure. Bear Attacks can be fast, often | leaving you no time to think, only time to react. We strongly recommend you take time to familiarize yourself with this products operation.

Practice makes perfect sense!

Thank you for purchasing this product.

800 BEAR 941 (2327)

Stay alert

Be Prepared!

UDAP's "Shoot from the Holster" designs!

Bear Attack

Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute the grizzly charged and mauled Mark twice. Mark's partner, Dr. Fred Bahson, reacted immediately to Mark's condition and treated his wounds. Fortunately Dr. Bahson got Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite lacerations to the head and neck, bite lacerations to the right arm, and also to the left anterior cliest. This bear attack is what motivated Mark to establish

Be Prepared in Bear Country

limited time, the safety wedge will glow in the dark . event loss, the safety wedge is attached to the handle, please leave attached

Appendix B

Page 4

BEAR IN MIND



DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with

UNE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This

product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety dip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Cortexts will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from autima or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters).

This canister empties completely in approximately 4 seconds [225g centainer] 5.4 seconds [260g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the salery clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test fire this container, do so with your back to the wind in an area away from people and bears. Do not test fire Peopler Power* in an area where you plan to camp, hunt, hike, or lish. Do not test fire for more than a half a second. After test fixing, clean nozzle and can with scap and water to remove residue

If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities

discribed in the column below.

10 ANN AND APPLY: Place forefinger through loop in 10 MeV AND APLY. Place foreinger through loop in handle with thumb, not and of safety dip (Fig. 1), With furnib, poil safety dip up and straight bock. This will expose the trigger lever. Depress trigger lever with thimb, neleasing a 1 second burst of spacy (Fig. 2). This should be done as the attacking beer is charging toward you and is about 40 feet many (2.3 seconds from reaching you). Be aware that wind or rain can geatly affect, the accuracy of the initial burst of spray, in some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the limital burst of spray, continue spraying, aiming for the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the

Replace safety dip as illustrated (Fig. 3).







Do NOT store in Hot vehicle or in direct sunlight Read Carefully the entire label upon purchase

Most Bear Attacks Involve a Mother with Cub(s







UDAP'S HOLSTERS

Shoot from the Holster

designs, providing silent and easy access to the trigger.

Chest holster can be converted to a hip holster.

Hip Holster

Chest Holster



To Deter Bears from Attacking Humans

FOOT FOG (9 meters)

30

at chest level. Urnuckle bottom strap. Put left arm and head through too stran. and place strap on shoulder. Wrap bottom strap around midsection and reattach

buddle. Adjust straps to desired fit.

DIRECTIONS: Hold chest hoister upright. facing away from the body

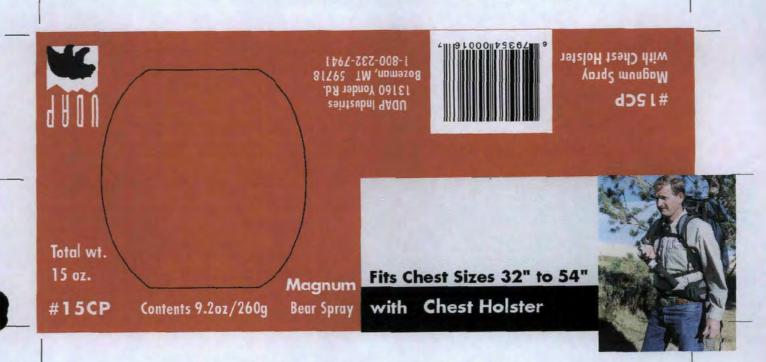
228

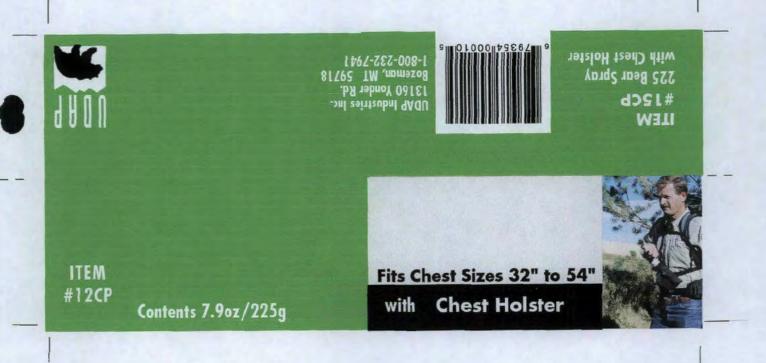
Appendix B. Page 5





Appendix B. Page 6





Appendix C page 1

Advertising claims for UDAP Industries Inc. Pepper Power Bear Deterrent

- 1. 2Q outside curl, internally lined, seamless aluminum can
- 2. Affects eyes, nose and throat rapidly
- 3. All Holsters designed for rapid removal
- 4. Bear spray works
- 5. Crosses over Canada border (See Appendix C Page 2 for information regarding this claim)
- 6. Deters bears from aggressive attacks
- 7. Effective range up to 30 feet
- 8. Each batch is coded and has an expiration date of three years
- 9. Fog pattern (presented with illustration)
- 10. High-emission, fire-extinguisher style spray pattern
- 11. Highly visible spray
- 12. Large rectangular nozzle
- 13. Mark Matheny, President UDAP Industries, a grizzly attack survivor
- 14. Successful in many bear attacks
- 15. Established by a Grizzly Attack Survivor
- 16. Spray'em don't slay'em
- 17. UDAP Bear spray works
- 18. We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife.
- 19. Can be your life caver [not acceptable]

Appendix C Page 2

MEMORANDUM FOR

Regional OGD Coordinators Customs Regional Services All Regions

SUBJECT:

Importation of U.S. registered Bear Spray For Hiker's Own Use into Canada

The purpose of this memorandum is to provide you with information relating to the change in policy with respect to the importation of bear spray into Canada for personal use.

POLICY CHANGE: As of May 1999

The PMRA has requested that Customs no longer apply the price limit criteria for these products.

This policy change will be limited to bear products only. Dog repellant sprays, which have the same active ingredient, are being reviewed by the Department of Justice but will continue to be administered according to the current policy.

Therefore, Custams will allow importations of U.S. registered bear spray into Canada provided that they meet the size restrictions only.

If you have any questions, please contact me at (613) 954-7152 or Heather Caughey at (613) 954-7199.

Jim MacKenzie Admissibly Programs Trade Policy and Interpretation Directorate

Page 4 of 4

Name/Org	Phone #	Date	Summary of Call	Action	Date
Tim Matheny	1-866-232-7911		I told Tim that I could complete Appendix A (Can Label); Appendix B (Clamshell label); and Appendix C (Advertising Claims) today and, after approved by my team leader, a letter could go out tomorrow.	The rest of the submission (Appendices D, E, F, and G would be sent to our vertebrate biologist for review.	December 3, 2003 (1:45pm)

Normal Daily Phone Greetings

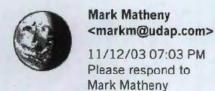
This is Dan Peacock of EPA's Office of Pesticide Program's Registration Division. I am sorry to have missed your call. I will be in the office until 4PM today, [Day], [Date].

. Please leave a brief message, and I will return your call as soon as possible. Thank you and have a pleasant ay!

QuickWord Codes and Their Meaning

I told caller this info: Action1 Action2 I later told the caller: Action3 later left this message: For this action, we will send a letter by [date]. Action4 For this question, I will provide a reply on [date]. Action5 No reply needed. Action6 I am returning your call. Action7

Dan Peacock, Disk 132A:\Phones\12-3-2003.wpd



To: Dan Peacock/DC/USEPA/US@EPA, Dan
Peacock/DC/USEPA/US@EPA, Peacock/DC/USEPA/US
<Peacock/DC/USEPA/US@EPA>

CC:

Subject: 111203 Date and time to schedule a meeting

November 12, 2003

United States Environmental Protection Agency

Daniel B. Peacock

Biologist

Insecticide-Rodenticide Branch

Registration Division (7504C)

Washington, D.C. 20460

Re: Date and time to schedule a meeting

Mr. Dan Peacock,

We believe, and I think you and the EPA would agree, that the goal in providing a quality bear pepper spray is to save lives. To that end, we want our advertising claims, and the claim on our labels, to give the consumer the best, most accurate information available.

Thanks to many people involved, we know that registered bear pepper sprays have come a long ways since its conception. We would like to participate in furthering the accuracy of this product.

We feel a meeting could resolve the amendments in the timeliest fashion. Please look at your schedule regarding me (Mark Matheny) flying out to Washington D.C. to have a meeting

regarding the complex nature of UDAP Industries' label, labeling, advertising and educational materials in the amendment at hand. We feel this could be done most efficiently in a meeting scheduled ASAP. Please let me know a date and time. I will make flight arrangements accordingly.

"Make it a great day!"

Sincerely,

Mark Matheny

President, UDAP Industries

United States Environmental Protection Agency Daniel B. Peacock Biologist Insecticide-Rodenticide Branch Registration Division (7504C) Washington, D.C. 20460

Re: UDAP Registration Amendments

Mr. Peacock,

Thank you for contacting me today to discuss the amendments to our latest submission.

From my experience, my passion for developing and marketing the highest quality, most effective hear pepper spray has always been to save lives. Mr. Peacock, I think you would agree that if just one life can be spared or one person can avoid the pain of being mauled, as I was, and we do it in an ethical and honest manner, then it is worth it to educate the public in the most efficient and effective manner possible.

To that end, our advertising claims, and the claims made on our labels, are designed to give the consumer the best, most accurate information available on the effectiveness of bear spray in deterring bear attacks. For that reason, I feel it is my duty to accurately, honestly and ethically inform, and educate, the public on the effectiveness of bear spray against an aggressive bear.

Of course, the best defense in a bear attack is being prepared and using common sense. However, in the case of a surprise encounter with a bear, our research has shown, and dozens of testimonials, by customers alive today because of our products, can support, bear pepper spray is the most effective means of consistently preventing and/or stopping a bear attack. The public needs to know there is a product out there that, when used correctly, can save their life!

You are accurate when you say that nothing is 100% effective in deterring bear attacks. This can be said for any product on the market, including firearms. Bear spray itself, when used incorrectly, will not deter an aggressive bear. Just as with a gun, or any other personal defense product, it must be pointed in the right direction and discharged correctly to be effective. However, to say that we cannot claim our product is effective or a lifesaver unless it is 100% effective, 100% of the time, is an injustice and may, ultimately, cost some one their life.

Mr. Peacock I can appreciate the position you are in. Having to regulate a product that is designed to save lives under the guidelines for pesticides must be incredibly difficult. However, I appeal to you to consider these claims from the viewpoint of saving lives, and work with us to adopt some those that fall into the gray areas of the regulations.

Again, I appreciate you taking the time to speak with me on the phone today and would like to schedule a meeting with you, in Washington, D.C., to discuss this matter further. Please contact me at the number listed below or by email at markm@udap.com to set up a time that is convenient for you.

Sincerely,

Mark Matheny

President

UDAP Industries, Inc.
PepperPower™ Bear & Personal Defense Systems
13160 Yonder Road
Bozeman, MT 59718

(406) 763-4242 markm@udap.com November 13, 2003

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) Office of Pesticide Programs, EPA 1921 Jefferson Davis Highway Arlington, VA 22202

RE: UDAP Pepper PowerTM Bear Deterrent EPA Registration Number 72007-1

Response to your review of proposed Product Name, other labeling changes, advertising claims, testimonials, and bear safety tips,

Dear Mr. Peacock:

UDAP Industries Inc. with this letter submits a response to your review dated November 5, 2003. Our response is basically the material resubmitted with the EPA requested changes. We have labeled folders according to your response so you may easily find the data and changes you are looking for. For example, in your review the Pepper Power label was "Appendix A". Therefore in our response we continued to call it that.

V I. Product Name Change

We noted that the name change from BearGuard[™] Bear Deterrent to UDAP Pepper Power[™] Bear Deterrent was accepted. We will now use the EPA registration number 72007-1 on the UDAP Pepper Power[™] Bear Deterrent label.

II. Other Labeling Changes

We have reviewed your response to the labeling changes and have made the requested changes.

A. Can Label (Appendix A)

- 1. We have revised the "FIRST AID" section according to PR Notice 2001-1.
- We have placed our "PHYSICAL OR CHEMICAL HAZARDS" section after the "ENVIRONMENTAL HAZARDS" section.
- We have revised our "STORAGE AND DISPOSAL" section according to PR Notice 2001-6.

B. Clamshell Labeling with Paper Insert (Appendix B.)

- This labeling consists of printed material, which we have numbered Page 1 through Page 6. We have made the appropriate changes for wording on these pages and have deleted wording that was not acceptable.
- 2. You will notice on page 5 and 6 of (Appendix B) that we have not removed the word "Magnum" as it was previously accepted on our lower inserts and we have printed lower inserts with it on them.
 UDAP's only intent is to denote the size of the can and is in no way intended to be associated with firearms. You have acknowledged this fact in Appendix

to be associated with firearms. You have acknowledged this fact in Appendix B, Page 5, paragraph 5, when you stated, "your main intent may have been to refer to your largest container size." Would it not be therefore reasonable to assume that the average consumer will infer the same meaning in this context? Furthermore, the definition of magnum is a large wine bottle or the contents of magnum, i.e. the volume of liquid contained in a magnum. It is very doubtful that anyone would confuse UDAP PepperPowerTM Bear Spray with a bottle of wine let alone a firearm. In fact, the Latin word magnus, which magnum is derived from, quite literally means large or great.

NO

You may conclude that bear spray and a firearm are used for protection and, therefore, not in the same category as a wine bottle. However, there have been extreme cases (comparable to a bear attack) where a wine bottle has been used to protect and even kill another human being. In addition, there are no reported cases of a person being killed by bear spray. On the contrary, the effects of bear spray usually disappear after 60 minutes of being sprayed. Not something that can be said of being shot with a gun or, for that matter, being violently attacked with a wine bottle.

III. Advertising Claims for UDAP Industries Inc, Pepper PowerTM Bear Deterrent (Appendix C)

Appendix C consists of Advertising claims that were noted acceptable. We reworded some of the claims to your suggestions. We deleted the claims that were marked "should not use" and "delete". We will rebut the "should not use" and "delete" claims we feel are important and appropriate in (Appendix G).

IV. Testimonials Stories of actual encounters with Bears

Testimonials are a huge part of education for this product. Testimonials present situations that people can learn from. With a normal pesticide, I could see where testimonials may not be appropriate. Bear spray is a pesticide that people use under extreme stress and time is a major factor. It may be a life-threatening situation and testimonials can teach what to do and what not to do in a situation. It is a way for others to see how to react, what may happen, how to carry their bear pepper spray and how to use it successfully. Testimonials can also teach prevention.

We have no reason to believe that any of our testimonials are not true. We did offer a free can as a courtesy but will not in the future. Still, we do not believe free cans have anything to do with receiving the testimonials. Not one individual asked for a free can with their testimonial. Most likely the individual saw the message on the can that they had used to deter the bear. This is the text that has been approved on our label and is the most reasonable assumption to why they decided to give a testimonial.

"Note: As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper Power use against bear attacks. Please call 1-800-232-7941 for details."

We will no longer offer a free can for a testimonial. We will not add registration numbers to testimonials or edit them in any way.

Please reconsider the use of testimonials for the purpose of education.

V. "UDAP BEAR SAFETY TIPS" Brochure (Appendix E)

In order for the brochure to be accepted as labeling for 72007-1, we have revised it as indicated in your response. We have addressed each concern and revised the booklet according to your suggestions. When the EPA gave examples, in most cases we used those samples exactly.

VI. Claims that were marked "should not use" and "delete" (Appendix G)

UDAP Industries Inc. would not use these claims in this section on labeling. They will only be used for marketing, advertising and education. We believe the claims are not false or misleading and do not malign other products. We wish to negotiate the "should not use" and "delete" claims, we feel are important and appropriate.

In support of the response to EPA's review, enclosed you will find the following:

- Three (3) copies of Appendix A, the new label proposed in the amendment under the new name Pepper Power™ Bear Deterrent
- 2.) Three (3) copies each of Appendix B, the proposed supplemental labeling, to be included in the plastic clamshell.
- 3.) Three (3) copies of Appendix C, containing advertising claims.
- 4.) Three (3) copies of Appendix E, UDAP Industries "Bear Safety Tips" for avoiding attacks by bears.
- 5.) Three (3) copies of Appendix G, Claims that were marked "should not use" and "delete"

Please contact me with any questions or comments you have.

Sincerely,

Mark Matheny

President, UDAP Industries Inc.

Phone: (406) 763-4242 Fax: (406) 763-5052 markm@udap.com

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

November 5, 2003

305 5-742211

Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59718

Attention: Mr. Mark Matheny

Subject

UDAP Pepper Power Bear Deterrent

EPA Reg. No. 72007-1 Your letter of June 24, 2003

Review of Proposed Product Name, Other Labeling Changes, Advertising Claims, Testimonials, Bear Safety Tips, and Articles of Credibility

Purpose

In your submission, you requested us to review I) a proposed product name change; II) other labeling changes; III) advertising claims, IV) testimonials, V) Bear Safety Tips, and VI) Articles of Credibility, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

I. Product name change

Your request to change the product name of record for this product from "BearGuardTM Bear Deterrent" to "UDAP Pepper Power Bear Deterrent" is acceptable.

II. Other labeling changes

You proposed to change your 1) Can Label (Appendix A) and to add 2) Clamshell Labeling with a Paper Insert (Appendix B). We have reviewed this proposed labeling and provided our comments below.

Make the requested changes and submit three (3) copies of revised labeling to us for review. We must approve and stamp the revised labeling before you may legally market this product with the revised labeling. Note that your revised labeling must display EPA Reg. No. 72007-1, not EPA Reg. No. 71290-1-72007 as the correct registration number. We do not stamp distributor labeling.

II. Other labeling changes-continued

A. Can Label (Appendix A)

- The revised graphics, with UDAP's logo and large bear pawprint, on the distributor label are acceptable.
- The use directions are acceptable. However, you need to make changes to other parts of your label.
- 3. You need to revise your "FIRST AID" section according to PR Notice 2001-1. You may download a copy from our website: www.epa.gov.pesticides/. Use the following format as a guide.

Have le	FIRST AID
If on skin or	•Take off contaminated clothing.
clothing	•Rinse skin immediately with plenty of water for 15-20 minutes. •Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.
If in eyes	•Hold eye open and rinse slowly and gently with water for 15-20 minutes. •Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. •Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.

- ↓ 4. Place your "PHYSICAL OR CHEMICAL HAZARDS" section after "ENVIRONMENTAL HAZARDS".
- You need to revise your "STORAGE AND DISPOSAL" section according to PR Notice 2001-6. You may download a copy from our website: <u>www.epa.gov.pesticides/</u>. Use the following format to revise your text:

STORAGE AND DISPOSAL

STORAGE: STORE ONLY IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120F or below 32F.

Spills: Call 1-800-535-5053 for CHEMICAL EMERGENCY.
DISPOSAL:

Do Not Puncture or Incinerate!

If empty: Do not reuse empty container. Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency for disposal instructions.

II. Other labeling changescontinued

B. Clamshell Labeling with Paper Insert (Appendix B)

This labeling consists of printed material, which we have numbered Page 1 through Page 6. In our review we have described each page so that you will be able to link each comment to a specific page.

App B, Page 1 This page has the words "HOLSTER INCLUDED" near its top center and appears to be a copy of a card label that would surround a product canister packed in a clamshell arrangement with the trigger oriented to the right.

- 1. The claim "30 Foot Fog" is acceptable if it is accompanied by a graphic of a person spraying the product which illustrates what is meant by the "Fog" part of the claim. The 30' distance part was supported by spray pattern tests that Guardian submitted in 1998 in both written and videotaped form. If UDAP's product is identical in composition and container size to the product that achieved the 30-foot distance in Guardian's tests, the 30-foot claim may continue to be made for it.
- 2. Delete the statement

"Wisdom is Better than Strength" Ecc 9:16.

With no context and presented as a scripture citation, this item is, at best

A true statement used in such a way as to give a false or misleading impression to the purchaser.

Therefore, it falls into one of the 10 categories of "false or misleading" statements that are prohibited from being made on pesticide labels or labeling. See 40 CFR, §156.10(a)(5)(vii).

App B, Page 2 This page also appears to be cardstock which is to be included in clamshell packaging and may be the flip side of Page 1. The following items of text on Page 2 must be **deleted**:

- 1. "For Safety Tips visit udap.com"; and
- 2. "UDAP Industries concerned with Your Safety and the preservation of life."
- 3. Referring to the web site makes the web site "labeling" as defined in FIFRA. EPA has no program for pre-implementation review of registrant's websites and no reliable means for reliably purging websites of objectionable information. The contents of company websites constitute electronic literature which is not covered by the exclusions granted to certain governmental agencies and research institutions under §2(p)(2)(B). On several occasions, most recently on October 20, 2003, we have visited the referenced UDAP web site. In each instance, we have found material that was questionable, misleading, and/or clearly false. As the web site would be rejected as labeling, no element of printed labeling may refer to it without also being rejected.

App B, Page 2continued 4. The statement to the effect that UDAP is "concerned with Your Safety and the preservation of life" contains a safety claim and a misleading inference that UDAP is uniquely concerned with its customers' safety (as opposed to unnamed other producers of bear pepper sprays). While it seems clear that UDAP is concerned with personal safety and that the "preservation of life" expression refers both to humans and to bears, such concerns are unlikely to be UDAP's alone.

App B, Page 3 This page also appears to be a photocopy of card stock for clamshell packaging. However, it appears that the copied stock is larger in size than Page 1 or Page 2 and may pertain to a larger container size. In any event, there is much text on Page 3 that is not acceptable. **Delete** the following phrases or statements:

1

1. "As seen on TV!"

The "As seen on TV!" phrase appears to be a (presumably) true statement that is being used to mislead. However it was that Pepper Power might have come to be "seen on TV", one inference that may be drawn from the phrase is that such media exposure indicates that the product is superior to others which have not been "seen on TV".

√ 2. "LIFE saver"

The "LIFE saver" claim seems to be a "false or misleading" efficacy claim as well as a (presumably) true statement being used to mislead. While it seems likely that Pepper Power, as currently formulated, has blunted some attacks by bears and may have saved some lives, it is quite a leap from such presumed outcomes to imply, as "LIFE saver" does to us, that one's worries are over if one carries the product. As (quite different) statements regarding the product's limitations are required to be on the canister label, the relatively conspicuous "LIFE saver" claim also detracts from required label text, which also would render the product "misbranded".

√ 3. "Wisdom is Better than Strength" Ecc 9:16'

"Wisdom is Better than Strength" Ecc 9:16' is discussed above (for "Page 1")

4. "We are dedicated in helping safeguard people from bear attacks!"

The statement "We are dedicated in helping safeguard people from bear attacks!", although probably true, is misleading to the extent that it implies that UDAP is somehow unique among producers of bear pepper sprays in that regard.

App B, Page 3continued 5. "Thank you for Being Prepared with UDAP Pepper Power Bear Deterrent"

"Thank you for Being Prepared with UDAP Pepper Power Bear Deterrent" and "Be Prepared!" are borderline statements which may be intended in part to strike a familiar note with current and former Boy Scouts. The first of these statements especially, implies that one who carries Pepper Power is prepared for all that a bear encounter might entail. Anyone inferring that would be misled to an extent, unless he/she also read the entire label, which other text on Page 3 commands. We previously have accepted "Be Prepared!" by itself and continue to do so.

√ 6. 'UDAP's unique "Shoot from the Holster" designs!"

We would like to know more about 'UDAP's unique "Shoot from the Holster" designs! before deciding whether to allow the claim. The major issues are whether UDAP's holsters actually are "unique" and whether firing pepper spray from them is the best approach -- or even an appropriate approach -- in terms of effective and safe use of the product. Based on the information available to us at present, the claim should not be allowed.

As noted above, referring to web sites on pesticide labels turns the entire content of the web site into labeling -- unaccepted and unacceptable labeling in this and every other case that we have examined.

7. the reference to UDAP's web site

See II, B, Page 2, #3 above.

8. the listing of offerings of the product in "6.3oz-180g" containers.

We note that our past assessments regarding the amount of spraying time available have led to a conclusion that containers holding less than 225 g (7.9 oz) of product probably do not supply enough material to accommodate a brief practice trial and still leave sufficient material inside so that the user is certain not to run out of spray during one or more encounters with bears.

In spray trials with BearGuard, a 180-g unit was functionally evacuated of contents in 3.38 seconds and seemed to yield a thinner spray pattern than did the larger containers that were tested. In fact, a 225-g container that was tested had only 4.04 seconds of useful spraying time, which we judged to be barely adequate.

App B, Page 4 This page appears to be a copy of card stock for clamshell packaging for a canister with the trigger oriented to the left and seems likely to be the flip side of page 3. Much of Page 4 is devoted to what appears to be a presentation of the product's "DIRECTIONS FOR USE" that is faithful to the content of that section as it appears on the canister label. That material is acceptable. As other required label text may be blurred or otherwise obscured by the clamshell packaging and the curved surface of the canister, we feel that all required label text should appear on the card stock.

Page 6 of 26

App B, Page 4continued This page also shows photographs of a bears (seemingly grizzlies) and a bloodied Mark Matheny. Between the two pictures is an account of how Matheny came to be bloodied on 9/25/92 and how "a small 4 oz can of pepper spray (not a bear spray)" applied by his hunting companion saved Matheny's life. The account notes that the product used was not UDAP Pepper Power and indicates that the event was the transforming incident that motivated Matheny to go into the pepper spray business.

After much consideration, we have concluded that this material should not appear on the label for 72007-1. The narrative implies that small containers of unregistered (anti-personnel) pepper spray are of some value against bears. We will not accept any label text which might serve to encourage use of unregistered pepper sprays against bears or other vertebrate pests.

The following statements on Page 4 must be deleted:

- 'UDAP Industries "concerned with your safety";
- 2. "Thanks to God, a friend, and pepper spray, I am still here." Mark Matheny, President- UDAP Industries."
- 3. 'UDAP's unique "Shoot from the Holster" designs, providing silent and easy access to the trigger'; and
- 4. two references to UDAP's web site.

We already have discussed the problem with claiming concern for others' safety, referring to the company's web site on labeling, and the "Shoot from the Holster" business. The quote attributed to Matheny has basically the same problems as the account of his life-threatening experience.

App B, Page 5 This page shows 6 copies of rectangular label panels, including 3 which illustrate a person's hip and hand plus a hip-mounted holster and 3 which suggest a bear claw causing injury. These panels seem to pertain to different packaging arrangements and/or container sizes. The panels bear very little text but contain the following items that must be **deleted:**

- 1. a reference to UDAP's web site;
- 2. use of the word "Magnum" with reference to the "#15" packaging of "Bear Spray".

We have discussed references to the web site already.

The problem with "Magnum" is that it is commonly associated with firearms, which bear pepper sprays clearly are not. That makes "Magnum" misleading on the label, even though your main intent may have been to refer to your largest container size.

Page 7 of 26

App B, Page 6 This page shows photocopies of 3 rectangular items which seem to be top or bottom card stock for clamshell packaging or top-of-the package stock for plastic-bag packaging. Whatever the case, 2 of the 3 items pertain to a "#12CP" product and the other to a "#15 CP". Some of these elements of labeling include references to the web site and another rendition of

'UDAP's unique "Shoot from the Holster" designs, providing silent and easy access to the trigger'.

For reasons indicated already, this phrase and all references to the web site must be deleted.

III. Ad claims

Advertising claims for UDAP Industries Inc., Pepper Power Bear Deterrent (Appendix C)

Your "Appendix C" item lists 65 claims that it appears that you would like to make for 72007-1. Some of these claims have been discussed already, but all are listed and discussed individually below.

GK

"1. 2Q outside curl, internally lined, seamless aluminum can."

If accurately reflective of the product's canister, this phrase would be acceptable. At this point, we can only confirm that the Pepper Power can that we inspected appears to be both aluminum and "seamless", except for slight overlapping of the printed label affixed to it.

"2. 30 foot fog"

mentioned above. Presented by itself, "30 foot fog" might be misleading to some readers. This representation is acceptable when it covers the illustration

"3. Affects eyes, nose and lung tissues instantly"

Assuming relatively accurate delivery, the "eyes" part of the claim would be true and the "nose" part pretty likely. We are not sure whether "lung" tissues are reliably or always "instantly" affected. It would be better to revise the item to "Affects eyes and nose rapidly".

it iseo

III. Ad claimscontinued "4. All Holsters designed for immediate access"

From the standpoint of personal safety (considering risks from the bear and the product), removing the canister from the holster and spraying while holding it at arm's length would seem to be preferable to the shoot-from-the-hip" and "shoot-from-the-chest" arrangements which the holsters allegedly permit. This is would be true especially for a product that "Affects eyes, nose and lung tissues instantly".

We tested a shoulder holster arrangement and found that the process of removing the canister, removing the safety clip, putting the canister into firing position, and depressing the trigger took what seemed to be less than 2 seconds. We were not sure what to do with the holster's snap strap, so we tried few different snapping arrangements. With the strap run finger hole, the chances of the canister falling out or turning within the holster were greatly reduced, but the user would have to remember to unsnap the strap before de-holstering (drawing) the unit as the snap tends to hold firm when one tries to draw a snapped-in canister. In the urgency of a bear charge, a strap run through the finger hole might be a significant impediment to making the product use-ready, unless the shoot-from-the-holster approach were used. If the strap is not threaded through the hole but just over one side of the top of the canister, the canister can be de-holstered readily but also might turn in the holster prior to need for its use.

III. Ad claimscontinued Removing the safety clip and depressing the trigger can be effected very quickly with the canister still in the holster, but at a sacrifice of ability to aim and, we suspect, a greater likelihood of significant product exposure for the applicator. We acknowledge that there may be times when the potential for increased risk from the product should accepted so as to reduce the likelihood of being harmed by the bear.

By itself, "All Holsters designed for immediate access" is a bit misleading. The problem could be fixed by adding words which indicate whether "immediate access" means "rapid removal" or "use while still holstered".

sk with change

Page 9 of 26

III. Ad claimscontinued not of

- "5. As seen on the discovery channel"
- not

"6. As seen on TV"

As discussed above, phrases such as these appear to be (presumably) true statements used to mislead.

"7. Be prepared"

OK

See prior discussion of this item. Although one who carries bear pepper spray is not "prepared" for all possibilities in bear encounters, it seems true enough that carrying pepper spray is an important component of "being prepared". Stated in this manner, "Be prepared" remains acceptable.

"8. Bear 911"

net ox

This one seems to be false. The allusion to the emergency assistance telephone number does not fit with the product, which, if successful, would provide a line of self-defense rather than a seeking-assistance line. If the bear pepper spray did not prevent injury, making use of the real "911" likely would then be in order.

"9. Bear Spray is proven your best defense in a bear attack."

not on

This one is false or misleading in every particular as it claims the type of product that Pepper Power is to be superior to all possible alternatives and uses the word "proven" in doing so. While suggesting that bear pepper sprays often deter bear attacks, the existing data base on the efficacy of bear pepper sprays includes negative examples and is not of the highest scientific quality imaginable. The current data base is largely silent in the area of comparing of pepper sprays to other remedies, although some accounts of failed uses of other approaches are mentioned.

Page 10 of 26

III.
Ad claimscontinued

"10. Bear attacks"

not

Without context, this one makes no sense and cannot be evaluated appropriately. Delete it.

"11. Bear spray works"

OF

This one seems to be true, usually, and could be used on labels and labeling.

"12. Bear spray with experience"

nut

This one is false and misleading in that the "experience" to which it alludes is in the life histories of people rather than the contents of the container. It also seems to imply a favorable comparison with unmentioned products which might be inferred to be "inexperienced" and/or "novices".

"13. Concerned with your safety."

As discussed above, this one seems to imply that UDAP is uniquely "Concerned". It also could be argued to be a claim of product safety rather than safety from bears, but that would be stretching things a bit in my view.

"14. Concerned with your safety and the preservation of life."

See item "13." immediately above and the prior discussion of this specific claim ("Page 2" of the clamshell labeling).

notis mented 15.

Crosses over Canada border"

Submit any supporting documentation for this statement, and we will have our Office of General Counsel (OGC) review it. In the meantime, do not use this phrase.

III. Ad claimscontinued "16. Deters bears on contact"

This one is a bit misleading because the "contact" would have to be with the eyes and mouth for the product to have much chance of success.

"17. Deters bears from aggressive attacks"

This one is acceptable as bear pepper sprays have been reported to have such effects (i.e., stopping attacks that are in progress).

"18. Deters bears from attacking"

This one is seems misleading. There is little evidence to suggest that spraying the product at bears who are not already attacking prevents such attacks. Even when "ambush" applications were made to bears feeding in garbage dumps, there is no evidence that those hears would have attacked and, therefore, no evidence that attacks were prevented.

"19. Disperses the most active ingredients in the shortest amount of time"

nut

Of the bear pepper sprays registered in the U.S., 71920-1 had the highest combined concentration of "Capsaicin and related capsaicinoids" and the shortest total evacuation times, container capacities being equal. It is not clear that either of these characteristics, assuming that they convey to 72007-1, would make it superior to competing products. Therefore, "Disperses the most active ingredients in the shortest amount of time" is a true statement being used to mislead, and is therefore prohibited under 40 CFR §156.10(a)(5)(vii) and implies a false or misleading favorable comparison with other pesticide products, and therefore also is prohibited under 40 CFR §156.10(a)(5)(iv).

III. Ad claimscontinued "20. Effective range up to 30 feet"

Spray pattern data claimed to be relevant to this product included demonstrated impingement of spray particles on vertical targets located 30' from the canister's opening. However, the former registrant did not do bioassays showing the product to be effective against bears at that range. As we have allowed "Effective range" claims based upon the results of spray pattern tests along, however, the claim "Effective range up to 30 feet" is permitted for this product in 225-g and 260-g containers).

"21. Each batch is coded and has an expiration date of three years"

Assuming that such batch codes and expiration dates are to be indicated on containers, this claim would appear to be generally true. Whether you or Guardian Security demonstrated that 3 years is how long the formulation and its container-delivery system remain functionally intact are is not fully clear.

"22. Fog pattern"

In the context of the graphic (discussed above) which shows what is meant by "Fog pattern", this one would be acceptable. By itself, it is a bit misleading because the spray does not "fog" an entire area but rather is applied as a directed spray. Therefore, "Fog pattern" must be deleted.

"23. Formulated for lasting airborne disbursement"

There is no evidence that Pepper Power is superior in this regard to other bear pepper sprays or, for that matter, aerosol products in general. Therefore, the claim is misleading and must be deleted.

"24. Grizzly attack survivor Mark Matheny Produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop attacks!"

It is not clear to us whether Mark Matheny or UDAP "Produces" the products to which the claim alludes or whether Guardian and/or others make them and UDAP's name just goes on the package. Therefore, the truth of the "Produces" part is not established. Allusions to personal defense products and/or uses on pesticide labels is not permitted. The text "registered bear sprays to stop attacks!" seems to imply 100% successful use but is "saved" technically, by context which suggests that stopping attacks is the intended function of the product rather than a guaranteed result. For now, delete the claim and, if you choose to pursue it further, submit a revised claim based upon our comments in this paragraph.

6 K

667

252

"25. Glow in the dark safety Clip"

This one is true, as we recently have and previously had verified.

"26. Have confidents [sic] and peace of mind by having easy access to any of our pepper power products"

Delete this claim. Pesticide labeling should only refer to the specific pesticide product(s) to which it applies. 72007-1 is your only registered pesticide product at this time. Any "confidence" resulting merely from the carrying of bear pepper spray is apt to be misplaced (especially if the canister also is); and any "peace of mind" could be shattered by a sudden encounter with a bear, Pepper Power handy or not.

"27. High-emission, fire-extinguisher style spray pattern"

This one seems likely to be true.

"28. High volume, powerful blast"

This claim would be likely to be true if the basis for comparison were other aerosol products. Many other products have higher volumes and produce more powerful blasts of one sort or another. On balance, the claim seems a bit misleading and, therefore, should be dropped.

"29. Highly visible fog"

of jarged

The "Highly visible" part seems true enough during daylight hours when red-orange OC sprays should be quite visible. The "fog" part is true only in a certain context, which the phrase under discussion does not provide. Changing it to "Highly visible spray" would fix the problem.

"30.

Hot red pepper"

This one is false. Although Oleoresin Capsicum extract is in the product, what comes out of the container is not red pepper.

"31. Large rectangular nozzle"

015

This one is true if the context is understood to be limited to aerosol nozzles. As we doubt that there is much room for confusion on that score, the claim may stay.

to x

"32. Liquefied propellant high-emission"

Supply supporting data for this claim, and we will have a chemist evaluate this claim. Meanwhile, do not use this advertising claims.

"33. Manufactured to ISO Standards"

not

This one seems to imply a favorable comparison to products not claimed to be so manufactured. Therefore, it must be deleted.

"34. Made from oleoresin of capsicum"

oK

This one is consistent with the current Confidential Statement of Formula (CSF) on file for this product.

"35. Mark Matheny, President UDAP Industries, since 1994, a grizzly attack survivor"

with review

This text typically appears under a picture of a bloodied Mark Matheny, and we have tolerated it in the past. A competitor has complained that the picture falsely implies that Pepper Power saved Matheny's life when the competitor's product -- an unregistered version of Counter Assault -- actually was used. However, we find that allusions to the period of illegal sale of bear pepper sprays are not appropriate for pesticide labeling. At the very least, therefore, the "since 1994" phrase should come out of the photo caption.

Whether having survived a grizzly attack makes Matheny more qualified as a "producer" of bear pepper sprays and, for that or other reasons, more deserving of business than his competitors could be argued.

"36. Mark Matheny a grizzly attack survivor produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop aggressive attacks!"

oxt oxt

This combination of claims "24." and "35." has most of the problems identified for each of them: whether it is true that Matheny "produces" the products to which the claim alludes; the allusion to personal defense products on pesticide labeling; the issue of whether "registered bear sprays to stop aggressive attacks!" is a claim of 100% effectiveness; and the whole business of what one might infer from the bloody Mark Matheny picture that is likely to accompany item "36." To fix these problems, delete all of the text after "survivor".

"37. Non-Flammable"

Delete as it conflicts with the standard "Physical or Chemical Hazards" text.

"38. No Bear Spray Hotter"

not

Delete this phrase. If the assertion is true (and it is consistent with claimed concentrations of active ingredients on registered bear sprays), the claim would represent use of a true statement to mislead. It is not established that increasing levels of Capsaicin and related capsaicinoids beyond the 1.4% level (or so) makes a product a better bear pepper spray, whether or not it is detectably "hotter". Risks to applicators might well increase with increasing "hotness".

max ork

"39. Non-lethal"

Delete this claim, which has several potential meanings. The most obvious seems to be that it does not kill bears. This seems to be true, although there might be a freak chance of bear death due to allergic response and/or significant pulmonary damage.

A second meaning might be that it nobody dies, not the bear or the person. Certainly, that is the intent behind development and use of bear pepper sprays, but there is some evidence of less than perfect performance for these products.

A third meaning might be that it does not kill the applicator. There is some risk of self-exposure with bear pepper sprays due to wind direction, close-up (to the bear) use, and general panic and flustering. Pepper sprays used by police for crowd control occasionally have put humans in dire straits, and the same could occur with the bear products.

In the end, "Non-lethal" must be disallowed under 40 CFR §156.10(a)(5)(ix) as it implies a claim of safety.

"40. Powerful blast fog pattern"

Mt

Delete this claim as proposed. Without the "Powerful blast" part and with the graphic (a la Page 1) illustrating what "fog pattern" means, this claim would be acceptable.

"41. Powerful dispersion"

not ok

Presented without context, "Powerful" has an ambiguous meaning and, therefore, is potentially misleading.

"42. Preferred by back country professionals"

net

Delete this claim. Despite various testimonials and the "Articles of credibility" (see below), this claim is unsubstantiated and misleading. The claim implies that more of whatever "back country professionals" means prefer Pepper Power to all of the other bear deterrents; but, technically, it means only that at least two "back country professionals" prefer it. The phrase also might be inferred to mean, "If you use any other product, you will be using what greenhorn novices use and, therefore, will be exposed as being one of them." In all cases, the accuracy of the phase is questionable. However, it implies a favorable comparison with unnamed competitive products. As such, the claim is expressly prohibited under 40 CFR §156.10(a)(5)(iv).

"43. Proven in many bear attacks"



Delete this phrase. Neither you nor Guardian have provided anything more than testimonials regarding the effectiveness of this product under what were reported as actual use situations. While those accounts have been highly laudatory, your "free-can-for-an-account-we-can-use" policy (as indicated in the brochure discussed below and on your web site) seems to encourage no other type of submission. Under such circumstances (free-can-for-a-good-story), it is possible that some if the testimonials that you received are more realistic than real. While the number of accounts submitted may approach a reasonable concept of what is meant by "many", the quality of the information provided comes nowhere near the claim of "Proven".

"44. "Produced by a Grizzly Attack Survivor."

This one is misleading and may also be false if UDAP still does not actually produce the product. It is misleading in any case because it implies that the product is better or more deserving of purchase because of the past history of its alleged producer. It seems unlikely that having been attacked by a bear qualifies one uniquely to produce bear pepper sprays, although such an experience clearly could motivate one to do so.

"45. Proven formula"

This one has the problems mentioned above with respect to "Proven". Even if good quality efficacy data had been submitted for this product and documented to be relevant to its current composition, "Proven" would be too strong a claim to allow.

"46. Proven to stop aggressive Bear attacks"

This one has the problems with "Proven" plus the false and misleading claim of 100% efficacy. It must be deleted.

"47. Shotgun blast pattern"

This one is **false**. A shotgun disperses heavy, macroscopic particles which retain essentially the same size until they rapidly fall to earth. A bear pepper spray can disperses aerosolized particles which get smaller with increasing distance from the source and which may remain airborne for some time and be readily carried by the wind. This claim has been made for other bear pepper sprays, and we have consistently disallowed it.

"48. Sophisticated oil base formula"

This one is, at best, a misleading statement about the composition of the product and, therefore, is prohibited categorically under 40 CFR §156.10(a)(5)(i). We do not know exactly what would make an "oil base formula" be "Sophisticated" but doubt that there is anything that is super special about the formula for 72007-1. Oleoresin Capsicum is itself an oil, and that appears to be the only oil in the product's formulation.

"49. spray 'em -- don't slay 'em"

This item reflects the philosophy behind using bear pepper sprays but does not promise 100% effectiveness. Therefore, this text is acceptable.

"50. Started by a grizzly attack survivor"

Again, it is not clear whether Matheny makes this product now or whether he ever did. If he was not the first to make it in its registered form (which almost certainly is the case), the statement is false. While being a "grizzly attack survivor" appears to have altered the course of Matheny's professional life, it does not necessarily mean that his product, made by whomever, is the best of its kind.

"51. Stop attacks"

This one is misleading. The product is to be used to "Stop attacks"; but the isolated phrase seems to imply that it always will and, therefore, to be a misleading claim of 100% efficacy which could be shown to be wrong by a single negative example.

"52. 'Thanks to God a friend and Pepper spray I am still here' Mark Matheny UDAP President."

Out-of-context, this one implies that Pepper Power plus a friend and The Almighty saved Matheny. This clearly was not the case with respect to Pepper Power. Even with that problem addressed by additional text, there still are problems with possible implications to the effect that God's providence spared Matheny just so he could provide you, the customer, with Pepper Power. There might still be some way for the label to state that Matheny became sold on the idea of bear pepper sprays after one was used to save his life without referring directly to the time of illegal use, without implying that his life was saved by Pepper Power, and without introducing statements that are false or misleading in any particular.

Page 19 of 26

III.
Ad claimscontinued

"53. The foggers [sic] enhanced range; broad spray pattern and inhalable particle size make it the most effective tool to stop a bear attack. Simply by virtue of its ability to disperse large amounts of OC into the air.

This one must be deleted as it contains a false or misleading comparison to other pesticides and implies that it produces a uniquely effective "inhalable particle size" that (those inferior) competitive products simply do not. We have no data on particle sizes that would enable us to assess that part of the claim further.

"54. UDAP Bear spray works!"

olc

This statement is likely to be true and does not obviously malign other products. As use of the exclamation point might be taken by some as an indication that it really is news when a bear pepper spray works (because the other products are so inferior), it should be replaced by a period.

"55. UDAP Industries, Bear spray with experience"

not

Delete this claim. People have experiences, but cans of mixed chemicals do not. As noted previously, claims of this nature imply that UDAP's products are seasoned veterans while the alternative products are virtual babes in the woods. The Counter Assault product was under development and/or on the market for the better part of a decade before Mark Matheny got mauled. As all of the marketing history of the Counter Assault product prior to May of 1998 was illegal, however, it is not appropriate to refer to any "experience" with any bear pepper spray that predates that time.

"56. UDAP has proven to be the pacesetter for the pepper spray industry."

nt

This statement makes a favorable comparison between UDAP and all of its competitors in the "pepper spray industry", whether or not they are in the bear pepper spray business. Such a gratuitous assertion is inappropriate for pesticide labeling and may well be found to be false, depending upon what one infers "pacesetter" to mean.

"57. UDAP is headquartered in the foothills of the Gallatin National Forest south of Bozeman Montana"

None of this information would make Pepper Power better than any competitor's product. Other than to imply that this product comes from real bear country, there seems to be no reason for making this statement. It should be deleted. Anyone who would want to make a purchasing decision for bear pepper spray based upon its producer's place of business can obtain the information needed from the registrant's address and, more accurately (for the initiated), from the establishment number.

"58. Very effective"

This one is misleading at best. There is no reason to expect that 72007-1 is more effective than other U.S.-registered bear pepper sprays. If the other products are "hot enough", it is not clear that being "hotter than hot enough" would confer any specific performance advantage; and the Pepper Power cans empty very rapidly.

"59. Very hot bear spray"

This seems to be true as a description of the product. Some might infer from it, however, that products with lower concentrations of Capsaicin and related capsaicinoids are "not so hot". This one is "borderline" but must be deleted as it implies a false or misleading comparison to other products.

"60. Wisdom is better than strength! Ecc. 9:16"

For reasons discussed above (Page 1 of the clamshell labeling), this one must be deleted unless an appropriate and non-scriptural context is provided for it (see discussion of brochure).

"61. We go the distance for your life"

What "distance"? The 30 feet of the "fog" spray pattern? This one is misleading at best and, therefore, must be deleted. It also might be construed as including a favorable comparison between UDAP and "sprinter" competitors who just cannot manage "the distance".

Page 21 of 26

III. Ad claimscontinued "62. We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife"

This one seems likely to be true and provides a rather concise statement of a major reason why the company might be selling bear pepper spray.

"63. www.udap.com"

61

As noted above, references to web sites do not belong on pesticide labeling as they cause the contents of the web site also to be labeling. Past visits of registrants' web sites, even those of producers of bear pepper sprays, have shown them to be replete with false or misleading statements including specific text that we have required to be deleted from printed labels. Even if a company were to clean up its web site and submit its contents for our review, we would have no guarantees that the contents would not be altered later.

"64. www.pepperpower.com"

See comments for item "63."

"65. Zero ozone depletion potential."

This one is an absolute claim of safety for one aspect of environmental contamination and must be deleted on that basis.

IV. Testimonials

"Testimonials Stories from Actual Encounters with Bears"

These items report dramatically successful results, with injuries to the individuals involved having been avoided or greatly limited through use of UDAP Pepper Power and with a single spraying being all that was needed in almost every case. Many of these incidents predate the registration of BearGuard (71920-1), the former parent product for Pepper Power. As they come from the period of illegal sale, such accounts may not be used. We also have no documentation on file which confirms the composition of the product during its period of illegal sale.

Regarding incidents that occurred after Pepper Power was being offered for sale as a distributor product (71920-1-72007) for BearGuard, we note that the offer of a free can of product for a highly affirmative testimonial might have provided incentive sufficient for some of the respondents to embellish or fabricate accounts of product use. This is not to say that the accounts are not fully accurate, but rather that our confidence that they are is undermined.

Page 22 of 26

IV. Testimonialscontinued

It also is clear from other documentation on hand with us that certain of the accounts have been edited, chiefly by insertion of the product name and/or its full distributor number. Even to be considered as worthy of inclusion on labeling, a testimonial must quote its originator exactly, with editing being limited to deletion of extraneous material, without altering the context for the quoted text that remains.

Based upon the preceding discussions and those (below) in our discussion of the brochure), we doubt that any of the testimonials will be acceptable for use on labeling.

V. Bear Safety Tips

"UDAP BEAR SAFETY TIPS" Brochure (Appendix E)

This item includes a "THANK YOU!" to people who buy Pepper Power bear pepper spray. Therefore, the brochure is intended to accompany the product in commerce and, as such, is considered to be labeling.

- 1. On page 4, in the third sentence under "BE AWARE OF RECENT GRIZZLY ACTIVITY", change "a grizzlies claw" to "a grizzly's claw".
- 2. On page 6, in the second sentence under "BODY LANGUAGE OF BEARS", change "in of itself" to "in and of itself" (or "by itself").
 - 3. The second bulleted item on page 8 seems somewhat self-contradictory as written. It appears that the intended message is that one should not stare at a bear that is acting as though the person is a threat but should stare at a bear that is acting as though the person is dinner. A suggested revision is shown below.
 - Break eye contact if a bear is acting aggressively. Do not stare at the bear's eyes as that is a sign of aggression. If the bear is acting predaciously, however, stare at it and otherwise act aggressively.
- 4. On page 12, in the next-to-last sentence of the fourth paragraph under "IF A BEAR COMES INTO YOUR TENT", insert something appropriate, legible, and intelligible after "Use". The copy of the brochure that we received has obscured letters between "Use" and "Fight back or die!".
 - On page 13, in the first sentence under "UNDERLYING CAUSES OF BEAR ATTACKS", delete the comma between "population" and "regulation".
 - 6. As this document is to be labeling, the Biblical quote on page 14 should be dropped. If the victim believes that God helped him survive, the direct quote which suggests that may remain in the booklet as part of the story of "UDAP PEPPER POWER BEAR DETERRENT'S BEGINNINGS".

7. The story itself must be completely truthful and not contain any statements that are "false or misleading in any particular." In this regard, we are not sure of the accuracy of the material beginning with the sentence

> Since then, he [meaning Mark Matheny] has dedicated himself to improving a product designed to safeguard people against maulings, and to help them better coexist with wildlife.

It has been our understanding that Pepper Power was made by another entity and that UDAP's name and label was put on that entity's product. We have no firm understanding of what role, if any, Mark Matheny played in the actual development of the product. It is clear that he has been heavily involved in its promotion. Please explain how the product got from concept to its various commercial presentations.

- 8. The story states that a small-size, unregistered pepper spray was sufficient to spare Mark Matheny from further mauling by a grizzly sow. However, noting that running out of material quickly was a problem and that Matheny perceived that a better product was needed helps to blunt the impression that a 4-oz container of any pepper spray would be sufficient.
- The sentence which introduces the testimonials should have the spelling of "using" corrected and should present the EPA registration number accurately.
- 10. Although there is a risk that they can provide a mechanism for introducing claims that otherwise would not be allowed on labeling, having testimonials in this brochure might provide useful documentation for some of the general points made earlier in the brochure. However, the conditions listed below apply to use of testimonials.
 - a. All testimonials pertaining to use of Pepper Power hefore it was covered by a Federal pesticide registration must be deleted as they do not relate to the registered product. Based upon information available to us, this means that, at the very least, the testimonials attributed to the following individuals must be deleted: Jeff Buckingham, Eric Leach, Patrick Poppe, and Nate Vance. For the same reason, it probably will prove to be necessary to delete the testimonials from Mike Lapinski and David Nyreen, from whom was received at least one account of an incident predating the registration of BearGuard and perhaps an account of a second incident. For the same reason, accounts of the incident involving Gary Clutter may not be used.

- b. Any testimonials which remain must appear entirely in the words of the person supplying the information, with no material added or deleted that would alter the reader's impression of the incident.
- c. So as not to be misleading, testimonials in the brochure should be representative of those received by the company, with the words of less-than-fully-satisfied customers also being included. Accounts of less-than-fully successful uses also may serve instructional purposes with respect to timing and distance of application, effects of weather conditions, and do's and don't of human behavior before, during, and following encounters.
- d. Testimonials from persons who have ongoing business relationships (other than repeated purchases of pepper spray for personal use) with UDAP or who are personal friends of Mark Matheny, his family, or any UDAP employee must be deleted or the nature of such relationships must be fully described.
- Testimonials which imply endorsement of the product by any agency of the Federal government or by any employee thereof must be deleted.
- f. Any incentives -- financial or otherwise -- offered as inducements or provided in exchange for favorable testimonials must be fully disclosed, or all testimonials obtained under such circumstances must be stricken from the brochure. This may mean that no testimonials can be used, as "A Special Note to our Customers:" indicates that only those who report having used "Pepper PowerTM Bear Deterrent to prevent an attack" will receive "a <u>FREE</u> replacement can in exchange for your story." Under those conditions, there would be incentives to provide only favorable accounts, perhaps embellishing them so as to qualify for a free can.
- 11. The "PRACTICAL PREPARATION" section of the brochure should be revised so that it is clear that group rehearsals of prospective users of Pepper Power must not include anyone being cast as the bear. Even with "inert cans" and almost certainly with "outdated cans" of live product, there would be significant likelihood of personal injury if someone were to pose as the attacking bear. (Some folks might infer that "outdated" cans no longer are hot rather than that the amount of "oomph" provided by the propellant might be on the wane.)

We suggest that the word "Rehearse" be replaced with "Practice" and that a precautionary sentence be added, such as:

During practice sessions, make sure that no one is sprayed with material from outdated Pepper Power cans or inert cans.

Hopefully, such text will dispel any notions that someone should pretend to be the bear.

- 12. Delete the references to the 1998 Bow Masters, Sports Afield, and Field <u>& Stream</u> articles on pages 20 and 21 as those are references to the period of illegal marketing of bear pepper sprays. The thoughts conveyed through use of passages from those articles could be presented more concisely without using the specific statements of their authors.
- 13. In the context in which it is presented on page 23 (under "BEAR SPRAY" and minus the reference to scripture), "Wisdom is better than strength" is acceptable. The words "with confidence and peace of mind" must be stricken from the last sentence of the first paragraph of this section. That sentence also should be broken into two sentences, ending the first with "attack" and clarifying in the second that the Pepper Power product used must be the bear spray. As modified, those sentences will read as shown below

In the pursuit of your activities, don't be prey for an attack. Stay alert, and be prepared by baving easy access to our *Pepper Power*TM bear spray product.

- 14. The "DISCLAIMER" section begins on the bottom of page 24 of the brochure but in mid-word (at "other than its in-") with the bulleted "WARNINGS", which begin before the "DISCLAIMER", resuming at the top of page 25. Present the entire "DISCLAIMER" outside of the "WARNINGS" section.
- 15. In the "Safety Clip" bulleted item on page 25, change "attache" to "attach".
- 16. There are three questionable statements in the "Holsters" bulleted item on page 25. Fix the problem in the first sentence by replacing "safe and reliable" with "handy". Address the problem in the second sentence by replacing "prevents the can from being twisting, allowing it" with "allows the can". Fix the problem in the third sentence by deleting "extremely effective and" as well as "with integrity". As modified, the item will read as shown below.
 - Holsters The holster helps keep *Bear Deterrent* handy. Our holster allows the can to be pointed in a ready position away from you. UDAP holsters are built for many years of service.

We were not sure how the snap-strap on the holster is to be used. If run through the index-finger hole, the strap limits twisting but also makes "drawing" (removal of the unit for firing) a slower and more complicated process. If run around the top of the canister, the strap seems to reduce the chance that the canister would fall out of the holster but does not seem to limit its potential to turn within the holster to any appreciable degree.

17. The "HOW DOES IT WORK?" section includes a first-person speaker "As I see it" and a reference to "Dr. Herrero and myself" without any indication of the speaker, Dr. Herrero's full name, or the source, if any, from which the passage was lifted.

VI. Articles of Credibility

Articles of Credibility (Appendix F)

"Appendix F" is a collection of 8 one-page items, 7 of which are letters addressed to Mark Matheny with the other being a memorandum addressed to Matheny. In these items, various persons offer comments on what appears to have been a draft copy of the brochure just discussed. The comments range from positive to extremely positive. A few constructive changes are suggested. Most respondents concur with the idea of including such a brochure in the packaging of the product.

We concur with the idea of including the brochure within the product's packaging but note that such inclusion qualifies the brochure as "labeling" and means that its content must conform to the requirements of FIFRA. Among other things, this means that the document may not contain statements that are "false or misleading in any particular". Those who commented on the draft document 5 years ago probably were not aware that the item would be held to the Federal standards for pesticide labeling or what those standards entail.

In order for the brochure to be accepted as labeling for 72007-1, it must be revised as indicated above.

Questions

If you have questions about this letter or further issues about bear deterrents, you can reach me by phone (703-305-5407), fax (703-305-6596), or E-Mail (Peacock.Dan@EPA/gov).

Sincerely.

DBP

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

Letter

Dan Peacock, Disk 129, A:\Capsaicin\72007-1, review of product name, label, advertising, testimonials, bear safety tips, articles of credibility, 10-30-2003.wpd

FAX COVER SHEET



Peoper Power
Bear Deterrent
PH - 406-763-4242
FAX - 406-763-505

Date: 0c+ . 30/03

Pages ______ (Including this cover Sheet)

TO: DAN POACOCK

FROM: Tim Lynch

CO./ DEPT: Legistration Div. (7504CDEPT: Operation)

PH#

UDAP Industries

FAX# 703-305-6596

RE: Lefter of Oct 30,03

Bozeman, MT 59718

NOTES:

F	Care se	e the	alla	heel
letter	lease se	help	10 9	realty
A. A. C.	en and a		Thank 4	for!
			R	

PH - 406 763-4242

10-30-2003 FAX

Fax - 406-763-5052

October 30, 2003

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) Office of Pesticide Programs, EPA 1921 Jefferson Davis Highway Arlington, VA 22202

RE: Rapid response concerning application for a label amendment sent in July 1, 2003

Dear Mr. Peacock:

We were told it would be on a 90-day fast track. Also it was stated via phone that we would get a response this week. We now realize that this might not be so as of our phone conversation today. A rapid response from the EPA is extremely important, as our business will suffer without one. We have our state registrations due and will be penalized if not in by certain dates. Also we have printing jobs pending for next year.

Bear spray is our business and it is a small one. We are in this small business because we believe it is an important product that does save lives. It is crucial that our business is permitted to move forward to operate. We do not want to seem too impatient because we call asking the status of our application. It is not a matter of patients but necessity, because we depend on the EPA and our hands are tied.

Please address our request for a rapid response. We hope to hear from you ASAP. Thank you in advance for your efforts.

Sincerely,

Mark Matheny UDAP Industries 13160 Yonder Road Bozeman, MT 59714 Phone: 406-763-4242 Fax: 406-763-5052

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forelinger through loop in handle with thumb on curl of safety clip (fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray (fig 2). This should be done as thou attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware the wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated (fig. 3).

PRECAUTIONARY STATEMENTS Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

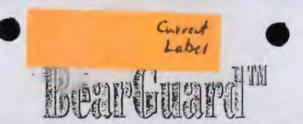
FIRST AID-IFIN EYES: Hold eyelids open and flush

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.



Under the Federal Innu Deepty 17. Farmaide, and Rodenticide Act, as umended for the pesticide rogistered under RPA Hor No.



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME NEXPECTED CONFRONTATIONS WITH BEARSON'IS OT BE EFFECTIVE IN ALL SITUATIONS OF ALL INJURIES, READ THIS ENTIRE LABOR SEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN SEDANGER I

Strong irritant (1987) hose and skin, 2000 horoughly with soap and water and chandling. See Skin Panel for additional precautions.

Active Ingredients:

Capsaich and related capsaicinoidate Inert ingredients..... 98.0%

*Made from Oleorosin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL DRYPLACE with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

INACCESSIBLE TO CHILDREN AND PETS. Do not fore in places while the temperal led is boyed to places while the temperal led is boyed to place while the temperal led is boyed to place while the temperal led is boyed to place while the temperal led is placed when coult it is pressure. See Judy wrap or ignored to the temperal led is pressure. See Judy wrap or ignored to the temperal led is pressure. See Judy wrap or ignored to the temperal led is placed with the tempe

DO NOT INCINERATE OR PUNCTURE Guardian Personal Security Products, LLC 21639 N. 14th Ave.

Phoenix, AZ 85027 1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300 EPA Registration No: 7120-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project. Guardian Security Products needs your true account of BearGuard 14 use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a inconsistent with its labeling.

USE RESTRICTIONS: This product may be used. only to deter bears which. are attacking or appear likely to attack humans. Do, not seek out encounters with bears or Ditentionally provoke This product may not effective in all situations prevent all injuries. Do or spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place. except when practicing with or using the product. Do not eat or allow to be eaten any food for feed materials which may have become contaminated with this product. Use with caution. Contents' will cause pain and temporary impairment

to eyes, nose, mouth and lungs. I Individuals who

suffer from asthma of

emphysema may have i

more severe reaction.





This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds (225-g container | 5.4 seconds | 260-g container

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people ! and bears. Do not test-fire BearGuard in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.1 269

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID _ Revise

IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention, if irritation persists.

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water ay disposing of unused material.

STORAGE & DISPOSAL © Rewse STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Disclaimer: To the extent allowed by law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an angoing research project, UDAP Industries needs your true account of UDAP Pepper Power!* use against bear attacks. Please call 1-800-232-7941 for details.



DO NOT SEEK OUT ENCOUNTERS WITH BEARS.
THIS PRODUCT IS A BEAR ATTACK DETERRENT
WHICH MAY PROTECT USERS IN SOME
UNEXPECTED CONFRONTATIONS WITH BEARS BUT
MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR
PREVENT ALL INJURIES. READ THIS ENTIRE LABEL
BEFORE TAKING THIS PRODUCT INTO AREAS
WHERE BEARS MIGHT BE ENCOUNTERED.

DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:
Capsaicin and related capsaicinoids*
Inert ingredients
TOTAL
"Made from Oleoresin of Capsicum

Packed for: UDAP Industries

13160 Yonder Road Bozeman, MT 59718

1-800-232-7941 (406)763-4242 CHEMICAL EMERGENCY: 1-800-535-5053

EPA Reg. No.: 71920-1-72007 EPA Est. No.:071920-AZ-001 NET CONTENTS: 7.9 ounces (225a) **DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner acconsistent will its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them this product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it

until you can perform, quickly and accurately, the activities described in the column below.

activities described in the column below.

TO ARM AND APPLY: Place forefinger through keep in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM:

Replace safety clip as illustrated (Fig. 3).



Fig. 1



Fig. 2



Fin 3







270



PREPAREDI

BE

"Wisdom is Better than Strength" Ecc 9:16



Bear Deterrent pepper spray

Range up to 30 feet (9 meters)

30 Foot Fog

Do NOT store in Hot vehicle or in direct sunlight

271

(Page 2

For Safety Tips visit

udap.com selety Op - to prevent less, the safety clip it field to the handle.

With Glow in the Dark Safety Clip!

BE PREPARED!

UDAP Industries concerned with Your Safety, and the preservation of life.

Read Carefully the entire label upon purchase (Do NOT store in Hot vehicle or in direct sunlight)



As seen on TV!

Bear Deterrent pepper spray

Be Prepared!





"We are dedicated in helping safeguard people from bear attacks!"

Thank you for Being Prepared with UDAP Pepper Power Bear Deterrent

UDAP Products

ITEM# NET CONTENTS DESCRIPTION **Bear Defense Products**

112	7.9oz-225g	Bear Spray (can only)	
112HP	7.9oz-225g	Bear Spray w/Hip Holster	
112CP	7.9 oz-225g	Bear Spray w/Chest Holster	
115	9.2 oz-260g	Bear Magnum Spray (can only	
115HP	9.2 oz-260g	Bear Magnum w/Hip Holster	
115CP	9.2 oz-260g	Bear Magnum w/Chest Holste	
19	6.3oz-180g	Bear Spray (can only)	
19HP	6.3oz-180g	Bear Spray w/Hip Holster	
19CP	6.3ez-180g	Bear Spray w/Chest Holster	
118	13.4oz-380g	"BIG" Bear Spray (can only)	

Bear Spray Accessories

| ALLBG Grizzly Grip - Clomp-on Brocket for Hiking Poles | | 12ASC Case - Aircraft safety container (small aircraft) | 15ASC (ase - Aircraft safety container (small aircraft) Spring Mount - for bikes, ATV's, RV's and Boats

Read Carefully the entire label upon purchase

Do NOT store in Hot vehicle or in direct sunlight

In any kind of attack situation you have to react under pressure. | Bear Attacks can be last, often leaving you no time to think, only time to react. We strongly recommend you take time to familiarize yourself with this products operation.

Practice makes perfect sense!

800 BEAR 941 www.udap.com Stav alert UDAP's unique

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Bear Attack

While out bow hunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute the grizzly charged and mauled Mark two times. Mark's hunting partner, DR. Fred Bahson, reacted immediately, spraying the attacking bear with a small 4 oz, can of pepper spray (not a bear spray). Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bahson got Mark out of the woods and in the emergency room without further incident. Mark suffered extensive bite locerations to the head and neck, superficial bite locerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Mark's woulds would have been much worse, of not fatal, if his hunting partner would not have had the can of pepper spray. UDAP Pepper Poewer was developed after Mark's experience, and was not used in this attack.

"Thanks to God, a friend, and papper spray, I am still here." Mark Matheny, President- UDAP Industries.

BEAR IN MIND

salety (lip - to prevent to the salety dip to ded to the to please leave attached

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek our encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on terms, other objects, or on clothing. Such use has go deterrent effect on bears. Keep solery clip in place except when practicing with or using the product. Do not eat or allow to be eaten any lood or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

APPLICATION DIRECTIONS; Special procedures must be followed to arm the container, apply the product, and restore the safety dip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not text-fire Pepper Power* in an area where you plan to camp, hunt, hike, or fish. Do not text-fire for more than a half a second. After text-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UCAP training can and practice with it

until you can perform, quickly and accurately, the

activities described in the column below. SOUNDER ONSITIES IN THE COLUMN LEGAL. TO ARM, AND APPLY: Place for ethinger through loop in heards with thumb on cut of salety clip (Fig. 1). With thumb, pull salety clip pand society back. This will expose the rigger lever, Depress trigger lever with thumb, missing a 1 second burst of spray (Fig. 2). This should be done as the attacking berr is changing. toward you and is about 40 feet away (2.3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spaying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the lace. Shield your eyes and lace if you must face the wind. 10 DISARM:

Replace safety clip as illustrated (Fig. 3).





UDAP's unique " Shoot from the Holster" designs, providing silent and easy access to the trigger.

Chest Holster **Hip Holster**



To see more Accessories visit: udap.com

30 FOOT FOG

Carefully (Do NOT store in

TOT direct sunlight

With Glow in the Dark Safety Clip!

For Bear Safety Tips visit: udap.com

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Appendix B.













Appendix B.



moo.qobu.www 2017 Industries 13160 Yonder Rd. 13162 TM , manesod 1467-252-008-1



with Chest Holster Bear Spray

#15Cb

Bear Spray

NET CONTENTS: 7.9oz/225g

Contents 9.2oz/260g

#12CP

Fits Chest Sizes 32" to 54"

Chest Holster



ммм-идар.сош 1-800-232-7941 UDAP Industries 13160 Yonder Rd. 81792 Tonnan, M. 19718



with Chest Holster Magnum Spray

#12CP

Total wt. 15 oz.

#15CP

Bear Spray with

Magnum Fits Chest Sizes 32" to 54"

Chest Holster



www.udap.com 1-800-232-7941 81792 TM, munssog 13160 Yonder Rd. sointsubril 9Adu



with Chest Holster Bear Spray

#15Cb

providing silent and easy access to the trigger. UDAY's unique "Shoot from the Holster" designs,

Bear Spray

NET CONTENTS: 6.3oz/180g

#9CP

Fits Chest Sizes 32" to 54"

Chest Holster



Appendix C

Advertising claims for UDAP Industries Inc. Pepper Power Bear Deterrent

- 1. 2Q outside curl, internally lined, seamless aluminum can
- 2. 30 foot fog
- 3. Affects eyes, nose and lung tissues instantly
- 4. All Holsters designed for immediate access
- 5. As seen on the discovery channel
- 6. As seen on TV
- 7. Be prepared
- 8. Bear 911
- 9. Bear Spray is proven your best defense in a bear attack.
- 10. Bear attacks
- 11. Bear spray works
- 12. Bear Spray with experience
- 13. Concerned with your safety.
- 14. Concerned with your safety and the preservation of life.
- 15. Crosses over Canada border
- 16. Deters bears on contact.
- 17. Deters bears from aggressive attacks
- 18. Deters bears from attacking
- 19. Disperses the most active ingredients in the shortest amount of time.
- 20. Effective range up to 30 feet
- 21. Each batch is coded and has an expiration date of three years
- 22. Fog pattern
- 23. Formulated for lasting airborne disbursement
- 24. Grizzly attack survivor Mark Matheny Produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop attacks!
- 25. Glow in the dark safety Clip
- 26. Have confidents and peace of mind by having easy access to any of our pepper power products
- 27. High-emission, fire-extinguisher style spray pattern
- 28. High volume powerful blast
- 29. Highly visible fog
- 30. Hot red pepper
- 31. Large rectangular nozzle
- 32. Liquefied propellant high-emission
- 33. Manufactured to ISO Standards
- 34. Made from oleoresin of capsicum
- 35. Mark Matheny, President UDAP Industries, since 1994, a grizzly attack survivor.
- 36. Mark Matheny a grizzly attack survivor produces a complete line of Pepper Sprays and EPA registered Bear Sprays to stop aggressive attacks!
- 37. Non-Flammable
- 38. No Bear Spray Hotter

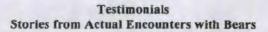


Appendix C Continued

- 39. Non-lethal
- 40. Powerful blast fog pattern
- 41. Powerful dispersion
- 42. Preferred by back country professionals
- 43. Proven in many bear attacks
- 44. Produced by a Grizzly Attack Survivor
- 45. Proven formula
- 46. Proven to stop aggressive Bear attacks
- 47. Shotgun blast pattern
- 48. Sophisticated oil base formula
- 49. spray'em don't slay'em
- 50. Started by a grizzly attack survivor
- 51. Stop Attacks
- 52. "Thanks to God a friend and Pepper spray I am still Here" Mark Matheny UDAP President
- 53. The foggers enhanced range; broad spray pattern and inhalable particle size make it the most effective tool to stop a bear attack. Simply by virtue of its ability to disperse large amounts of OC into the air.
- 54. UDAP Bear spray works!
- 55. UDAP Industries, Bear spray with experience
- 56. UDAP has proven to be the pacesetter for the pepper spray industry.
- 57. UDAP is headquartered in the foothills of the Gallatin National Forest south of Bozeman Montana
- 58. Very effective
- 59. Very hot bear spray
- 60. Wisdom is better than strength! Ecc. 9:16
- 61. We go the distance for your life
- 62. We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife
- 63. www.udap.com
- 64. www.pepperpower.com
- 65. Zero ozone depletion potential.



Appendix D.







...it can mean the difference between

Life..... and Death



The Mark Matheny Family

I can do all things through Christ who strengthens me. Phil 4:13

Because of his own experience, Mark obviously put a lot of forethought into his product because he knows it can mean the difference between life and death. Mark has studied every little detail to make his product functional and reliable.

Note: As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper PowerTM use against bear attacks. Please call 1-800-232-7941 for details.

UDAP bear spray showed me the results...

Over the last 10 years, I have had the rare and unique opportunity to work up close and personal with some of the world's most dangerous animals. The jobs have ranged from being a wildlife rehabilitator to an animal trainer, where everyday required working with or near very unpredictable creatures. I have worked with 100's of bears, both wild and captive, and can honestly say that bears have charged me over 30 times. Pepper spray has become a necessity, a piece of equipment that I depend on for life and death situations.

I have used several products; some working more effectively than others but UDAP bear spray showed me the results that gave me a peace of mind. Over the years, charge after charge, I have watched UDAP stop bears like a brick wall, saving my life several times. When the spray is deployed the bear stops dead in their tracks wanting nothing more than to go the opposite direction as fast as it physically can. UDAP is the ultimate in safety for dealing with these unique and dangerous situations

When it comes to choosing a right hand man, the only product that I can say has worked with results I depend on 100% of the time is UDAP bear spray EPA Reg. No. 71920-1-172007.

CASEY ANDERSON

President, Montana Grizzly Encounter



Yellowstone Park Grizzly Attack

She was thirty feet away and in full charge as we came to the edge of the ridge. With a cub on both sides and another behind, the earth was flying as she closed the distance. I ran ten feet to my friend while I yelled "We've got a grizzly! She has cubs! Don't run! Hit the deck!" As I landed and grabbed my fanny pack around my neck, she grabbed my calf in her mouth and shook. I was fumbling for the bear spray on my belt, wondering if I should be just staying still. When she shook me, I yelled out. That brought my friend Nils up on to his knees, which distracted the bear off of me. She ran ten feet to check on her cubs, then

turned and charged Nils. He now had his *UDAP Pepper PowerTM* Bear Spray (EPA Reg. No. 71920-1-72007) out and ready. He fell back to his stomach and waited until the head-on charge closed to five feet. Propped up on his elbows he let her have it right in the face. GONE, DONE, NEVER SEEN AGAIN! The spray stopped the charging female grizzly on a dime and sent her away for good. Nils called out to me, "I got her Tom, and I got her good!"

Nils and I want to thank Mark and UDAP for saving both our lives. My family and Nils' wife and daughters think you are pretty cool too. Thank you for producing a quality product. Thank you also for contacting me in the hospital to lend moral support. It meant a lot to me.

Thanks again, Tom Crosson, Nils Wygant

"I trusted my life with UDAP Pepper PowerTM Bear Spray (EPA Reg. No. 71920-1-72007) and it saved us!"

Thanks - Dave Wood

Wood

"If not for the help of a friend and your *UDAP Pepper PowerTM* Bear Spray (EPA Reg. No. 71920-1-72007) I probably wouldn't be here today."

The sun had just set over the tall peaks of the Madison range when a large sow Grizzly and her two almost fully grown cubs came running for what they thought was

dinner. Dave Wood, my long time hunting partner and I, had been archery hunting all day without much success. We were watching the sunset and proceeded to violate one of our "Golden Rules" in that we did some elk calling when we weren't totally ready to hunt.

The bears where ready to hunt and did so with a ferocity and speed that is almost incomprehensible. At first we just heard the noise of something running at us at about forty miles an hour and only saw the three of them in the last twenty yards of their charge as they broke into the small opening we were in. I had jumped to my feet and was facing them thinking they were a charging bull elk. I was crouched pulling an arrow from the bow quiver when I realized we were in trouble. Before I could draw my gun the sow had taken her first bite of my left leg and broken my fibula. In less than six seconds she proceeded to bite my leg, my thigh, my arm and ultimately my head. With the first bite, I made a decision to fight her rather than play dead and kept trying to get my gun out of its holster. I had also called out to Dave to help me. He had actually been closer to the bears when they appeared but was already lying on the ground and they went right over the top of him to get to me. Finally as the sow was biting my head Dave jumped up armed with the UDAP bear spray, he charged the mother Grizzly who was now facing him. She took the full force of the spray from less than ten yards whirling so fast that at first Dave wasn't sure he hit her. The effect of the spray was fast and effective as she and the cubs left and didn't return.

If not for the unselfish and quick response from Dave and the supreme effectiveness of UDAP, my encounter with that bear may have been my last act. Dave and I have hunted elk in Grizzly country for many years together and we have had other less close encounters with them. In addition to coming across other hunters in the woods who have been attacked, we have had several encounters when the bears have told us in no uncertain terms to leave their area. We always try to be prepared and have carried side arms in addition to UDAP bear spray since its inception. However, until this encounter, I think we both thought our first line of defense would be a gun. Now, we both feel that we wouldn't be out in the woods without

UDAP Pepper PowerTM bear deterrent and as for me it will be in a chest harness with UDAP's unique shoot from the holster design.

Thanks for making a product that really works and saves lives both human and animal.

Sincerely, Steven Chamberlain M.D.

"Bad bear; go home!"



Dear Mark,

As a recent survivor of a close encounter with a brown bear, I believe I owe you a testimonial.

During the first day of silver salmon fishing in Yakitat, Alaska, our party heard several stories about a "large" brown bear chasing fisherman. Sadiy, after being chased, one unfortunate fisherman made it back to his van, only to die of a heart attack.

The next day was our turn. The bear came out on a bar on the Situk River, but ten or so fisherman, several in a boat, dissuaded him from frightening them out of their fish.

So, the bear waded up the river to where our party of four vacated only minutes before. Smelling the fish we carried, the bear climbed the bank and loped up the wet and narrow trail we had taken for 100 yards or

so through the thick brush. As the only (black) bear hunter in the group, I had little fear of "wild" bears, but great fear of "friendly" bears. Therefore, I carried the only can of *UDAP Pepper PowerTM* Bear Deterrent (EPA Reg. No. 71920-1-72007) available at our Lodge.

Just before we came to an opening on the trail, the bear closed in on the last man in our party. At that point, I took a position behind my friend, let the bear come to about 15 feet, and while asserting "Bad bear; go home!" hit the trigger. To our great relief, the Bear turned "inside out" reversing course and disappearing into the brush. At that point, we beat a hasty retreat back to our van.

Count on us as Life-long converts to UDAP Pepper PowerTM products. Sheldon Smith & Friends

Appreciatively, Sheldon Smith

"...superior to a firearm in several ways..."



I had the opportunity to use your product (225g canister) against an aggressive black bear in Yosemite last summer. Though it is impossible to know what would have happened without your *UDAP Pepper PowerTM* Bear Spray (EPA Reg. No. 71920-1-72007), I believe that having it on hand saved my life. Here's what happened:

I awoke to the sound of breaking branches and claws on tree bark on our first night of a John Muir Trail through-hike. I woke my friend and we ran over to our counter-balanced food bags and, sure enough, there was a medium-sized, 200 lb. bear sitting on

the tree limb pulling up our food bags using the hanging rope. Yosemite bears are notoriously clever! We tried everything we could to scare the bear out of the tree including shining our flashlights, throwing rocks and yelling at the top of our lungs. Getting frustrated and losing our food fast - this bear actually bit through and ate a can of chili - I instead hit the food bags with a rock, knocking them out of the tree. Bad idea! (You know what they say about getting between a bear and its food!)

The bear hissed and ran down the tree, charging at us the moment he hit the ground. When I pressed the canister trigger, a large cloud of *UDAP Pepper PowerTM* bear spray washed over the snout of the charging bear at about 6-8 feet. He was turned back instantly, regrouped by the tree and charged again. I sprayed him again, this time at maybe 15-20 feet and stopped him once again. The bear left the area at

which point we collected our food and returned to camp.

Again, thanks for your product. I think it is superior to a firearm in several ways. First, it works! Bear pepper spray is noxious enough to thwart large bears. Second, it is difficult to miss your target. Third, it is very lightweight compared to a gun. Fourth, no permanent harm is done to the bear. In fact, some fear of humans may be restored to aggressive bears. I think in areas like Yosemite, which do not allow hunting, and have tremendous problems with human-food habituated bears; the rangers should consider requiring all

hikers to carry pepper spray.

· Thanks again,

: Scott Yang

KODIAK BEAR ------UDAP Bear spray is for real



Myself and four friends decided to take a leisurely stroll across Kodiak Island after a long summer of commercial fishing. A few of us including myself had some backcountry experience in Kodiak and were well aware of the number of bears, and their incredible size. I had personally run into about 7 other bears

in hikes and sport fishing trips on the island. Every experience ended peacefully with the bear usually fleeing after spotting us. I had talked with numerous people who had done hikes on the island without a firearm and felt reasonably confident with the size of our group to leave the rifle behind. One of my friends thought otherwise and decided we at least needed a can of UDAP bear pepper spray. We all laughed at him for "wasting" his money. The hike which was to last 12 days began wonderfully. The going is tough in the Kodiak bush for there are no trails. Fortunately there are so many bears on the island for we fully utilized their vast network of highways. We were approaching Uganik Lake which was to be the end of our journey and pick up spot. I was somewhat disappointed that we had seen no bears on the trip, but that was soon to change. As we descended down into the Uganik flowage we were following an old trail through some thick alders on a very steep incline. I was at the front of our group bushwhacking with my machete as I came into a clearing. About 150 yards straight down a brown flash caught my eye. I was ecstatic finally a bear and at a relatively safe distance. The bear moved slowly into the clearing sampling the air as I began to excitedly call to the rest of my group and grab for my camera. Before I could get my camera out, I saw another smaller ball of fur join the mother. The sow took one more sniff and began bounding up the ridge, as I began too shout loudly. Now the time frame which all the events took place in has been long disputed by every member in our group (adrenaline tends to skew time like that). Within a few seconds, she was halfway to me. I became increasingly nervous and yelled at the top of my lungs. The sow continued up the ridge with incredible speed and agility. I quickly decided I was not going to stand there by myself. I figured my odds would increase from nothing to one out of five if I could get back to the rest of our group, who were a few yards behind me. We huddled together jockeying for position (believe me no one wanted to be at the front of our pack). We must have looked as large as a boar with all our packs and gear, and I felt somewhat confident that the sow would be deterred: as. we yelled every obscenity imaginable to her. We eventually lost sight of the bear, but she remained within hearing distance as she rumbled and crashed through the thick alders. *.: The sow eventually worked its way above us and began to descend upon our steep perch. She got within 15-20 feet and stopped briefly to snarl, snort and bounce upon an alder that was separating her from us. At this point, I attempted to light my flare as a last. defense. It was a dud, maybe I was just too nervous and figidy, but I'd like to think it was the latter. There was no time to reach for another so I stood poised with my machete. The only thoughts going through my head were "I wonder what this is going to feel like!" At .

this point fear wasn't even an option, the adrenaline had induced a slow motion type of analysis and curiosity. The sow bounced on the alder a few times and made her final charge toward us. I had completely forgotten about Todd, and his bear spray, but luckily for us, he stepped up and sprayed the approaching sow with a large misty cloud. The sow which was only about 10-15 feet above us stopped directly in her tracts, snorted, sneezed, pawed at her head and eyes then turned directly around and we didn't see her again. We hurriedly continued to the welcomed refuge of the cabin at Uganik Lake and enjoyed the rest of our vacation. I just want to reiterate that UDAP Bear spray is for real; I'm a walking living testimony to its success. I won't go into the bush without it and require anyone else with me to also have a can. I'm afraid of what would have happened if we had a rifle, for there would probably be a dead bear on our hands and an abandoned cub. If this spray can work against some of the largest bears in the world I'm convinced it will work in almost any situation. Thanks UDAP for making a lifesaving good product.

(UDAP Pepper Power Bear Deterrent EPA Reg. No. 71920-72007)

One happy camper Sincerely, Pat Goodwin

UDAP Pepper PowerTM and a .44 magnum pistol

My buddy, Cory Nuss, and I were hiking in the wilderness area near the East Entrance of Yellowstone National Park. We had been backpacking for three days and were making our way back to the Elks Fork Trailhead where our vehicle was parked. At 11:00 A.M. we ran into a sow grizzly with two very large cubs. We saw the cubs just as we broke into a small clearing. They were about 40 yards away. The cubs immediately ran away. As they were running away, the sow stood up to get a better look at us. When she saw us, she dropped down on all fours and charged. I usually carry both the magnum UDAP Pepper PowerTM bear spray (EPA Reg. No. 71920-1-72007) and a .44 magnum pistol. Cory did not have either one, so he carried my bear spray, just in case. The sow was 10 feet away when Cory Sprayed her. She immediately hit the brakes and wheeled away. I was just about to shoot her when Cory Sprayed her. There is no doubt in my mind that the bear spray saved the bear from being shot, and prevented serious injury or worse to Cory and myself. I am a true believer in your product. I spend many days a year hiking and hunting in grizzly country and I no longer go anywhere without your product. Also several of my

*Hends have invested in a can of UDAP bear spray. Thanks for such a great product. -- Jeff Buckingham

Peppered Grizzly Stopped in Tracks

I caught it (the bear) full in the face when it was 4 feet away, Clutter said. It was like it hit a wall. The grizzly turned and ran so fast toward her cub she ran right over it. Then, cub and sow were gone. ... This worked exactly the way it was designed to work, Clutter said. The bears didn't die. All I'm out is a can of UDAP bear spray (EPA Reg. No. 71920-1-72007). I'm convinced bear spray is the way to go, even for gun hunters. Your chance is much better with spray - which can spread out 15 feet wide from 20 feet away - than with a bullet the size of a pen. The odds are better. — Gary Clutter, guide and big game hunter in a recent article. Bozeman Daily Chronicle by Joan Haines

... (grizzly) close enough for me to see his eye lashes.

In Alaska, I was guiding for a lodge out of Iliamna, I was absorbed in my task and carelessly forgot where I was. After a few seconds, I smelled him. The large boar sat close enough for me to see his eyelashes. First, I shouted "Hey bear!" and "Git!". After these first few futile attempts, I knew he wasn't going to back down. He wanted my fishy/bacon smelling lunch pack! He and I both knew that my 140 lbs. Wasn't going to stop him either. So, talking to him the whole while, I pulled out my *UDAP* and let 'er rip. Ol' griz never knew what hit him. He stood upright, for a moment and I thought I was dead. He turned tail and ran to the water. Pawing his face and nose the whole way. He dunked his head in the river again and again, and then watched the group from a comfortable distance (for both parties) for the rest of the day. I don't know if that old bear would have hurt me or not, but for his sake and mine I'm glad I used my *UDAP* bear spray (EPA Reg. No. 71920-1-72007). From now on if I'm traveling in the back country so is my *UDAP*. -- Kurt Dehmer

The Right Stuff for professionals

The Teton Park rangers, Yellowstone National Park crews, Glacier National Park rangers - to mention a few - all pack Mark's bear spray (EPA Reg. No. 71920-1-72007). -- The Right Stuff -

... I knew she (the grizzly sow) wasn't stopping

It was opening day of archery elk season. My uncle and I were hunting in Northwestern Wyoming. The grizzly sow was protecting her cubs about 15 yards away, when she suddenly came at me. I hoped she

would stop, but at 15 feet, I knew she wasn't stopping, so I sprayed my bear spray at her. She shook her

head and ran back up to her cubs, shook her head again, and then disappeared into the brush. I know my can of *UDAP Pepper PowerTM* bear deterrent (EPA Reg. No. 71920-1-72007) saved me from, at the very least, a bad mauling, if not my uncle's and my own life. Thanks to Mark Matheny and *UDAP Industries, Inc.* for a fine product. I wouldn't trust my life to anything else! -- *Thank you and God bless, David Nyreen*

Bear Pepper sprays...the hottest pieces of back country gear

Bear Pepper sprays have become the hottest pieces of back country gear, in part because of Matheny's non-stop crusading. -- Todd Wilkinson, Too Close and Encounter

MORE TESTIMONIALS FOR THE SKEPTICAL

... fourteen feet, ears laid back in attack mode.

Rex [Rogers] had told me earlier that, in ten years of hunting the Gallatin National Forest of Montana. they had never run into a grizzly, but he and Dick [Frederickson] still carried your bear spray [UDAP Pepper PowerTM EPA Reg. No. 71920-1-72007]. They had carried a less potent brand until they had a run-in with a stray dog, which it barely phased. I take it this is what prompted them to switch to UDAP Pepper PowerTM. After weighing the price of the spray compared to the chance of being attacked, Rex's words finally persuaded me into buying a 9.2 ounce can with holster. We were off to our bow hunting camp. About 6:15 a.m. the next morning, I finally made it up to the ridge I was planning to hunt...As I closed in on top of the meadow, I knew I was only going to be thirty yards away from what could be my lucky elk. Peaking over the crown, my eyes focused on something I wasn't prepared for, a sow grizzly with her two cubs... At that point, sixty yards away, I knew I was in the wrong spot at the wrong time. In a split second, she woofed and was on a mad dash directly at me. Knowing I was over one hundred yards from a tree, I drew my pistol and the spray. By this time, she was at thirty yards, still going full bore. Hoping she was bluffing, I stood dead still. I knew I couldn't get a good enough shot to stop her in her tracks. On the other hand, what if I let her get close enough to spray, and it wouldn't phase her? By this time, she was fourteen feet, ears laid back in attack mode. Fighting reflexes, I squeezed the spray. The instant that fog hit her nose, she pivoted on a dime and was gone. Keep in mind, I am not a person whose thoughts are easily swayed. One thing is for sure, had I not been packing UDAP bear spray, I would have.

been mauled or possibly killed. -- Russ (Eric) Leach

A snapped twig announced the presence of a charging sow grizzly...

I am a sheep and elk guide, in northwest Wyoming and with my experiences in the wildemess and around grizzly bears, I had to write to tell you how truly impressed I am with your bear spray EPA Reg.

- No. 71920-1-72007. Sheep hunting with a client, we headed above timberline, just before we broke out
- of the timber we stopped for a rest. A snapped twig announced the presence of a charging sow grizzly and three cubs. The hunter immediately grabbed for his bear pepper spray, and shot the bear with (UPAP) at ten feet, the bear spun and ran off. Anyone who believes Bears like the taste of pepper spray,
- sure need to see this!! Patrick Poppe, Wind River Outfitters, Dubois, WY

... powerful enough to stop King Kong!

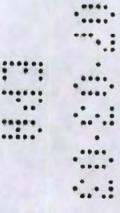
I've shot bears with this volatile bear deterrent spray [EPA Reg. No. 71920-1-72007 from UDAP], and believe me, it is powerful enough to stop King Kong! Many guides and wardens in Alaska prefer to use bear spray instead of a firearm, because they've learned that the shotgun pattern blasted out by bear

pepper spray stops a charging bear more surely than a bullet. This stuff works. I should know. I was photographing a bear last spring in Montana when the bear suddenly turned and began advancing toward me. Fortunately, I had a large can of *UDAP Pepper PowerTM* bear spray in a holster on my hip. When the bear was 50 feet away, it made a false charge. I hit it with a blast of red hot cayenne pepper that instantly enveloped the bear in an orange fog. The bear immediately stopped and began pawing at its face coughing and wheezing, the bruin slowly stumbled into the forest. -- Mike Lapinski, *Bowhunter*

Magazine

... Bear pepper spray is more effective in deterring a grizzly attack than a gun.

As the bear charged, the man fell back and the grizzly bit his leg, Gocke said. The hunter was carrying a loaded rifle on his shoulder and bear pepper spray on his belt, and was able to spray the animal in the face, which immediately caused it to run away. According to Game and Fish predator biologist, Dave Moody, the incident reinforces that bear pepper spray is more effective in deterring a grizzly attack than a gun. The fact that the bear was in the process of biting this guy, and it broke off the attack when it was sprayed just further reinforces the effectiveness of bear pepper spray in my opinion, Moody said, noting that in most incidents where grizzlies are shot in the process of an attack, the person is most often mauled anyway. -- David Simpson, Pepper Spray makes grizzly run away, Jackson Hole

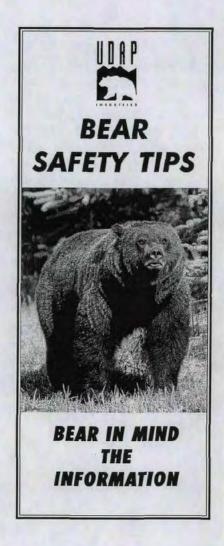


BE PREPARED!

The booklet contains good information on how to avoid encounters with bears before they happen as well as information on how to defuse aggressive confrontations with Bears once they occur. Knowing how to properly use defensive equipment is extremely important when dealing with potentially life threatening situations. I believe this booklet will contribute to the reduction of aggressive confrontations between bears and humans, will help reduce the number of bear inflicted human injuries, and will also reduce the number of self defense kills of bears by outdoor recreationists, thus benefiting both people and bears.

Sincerely, Kerry A. Gunther Bear Management Specialist Yellowstone National Park

> UDAP Industries, Inc. P. O. Box 10808 Boxeman, MT 59718 1-800-232-7941 www.pepperpower.com





THANK YOU!

We would like to thank you for purchasing our product and Being Prepared with Bear Defense Pepper Spray. We also hope that this booklet and UDAP Bear Deterrent will be instrumental in helping to safeguard your life. We at UDAP Industries believe that Your Life is as important to athers as it is to yourself. From "first hand" experience, we realize how quickly life can be taken away. We hope you become familiar with using our product and also the information in this booklet before you head out into the woods.

It is our heartfelt desire, to not only help you understand the bear, but to also help you learn how to avoid and actually stop a bear attack. Please take to heart the information in this booklet and also other sources on bear attacks and bear behavior. By reading and practicing the techniques mentioned in this booklet you can further prepare yourself for the unexpected.

The outdoors is for all of us to enjoy, and with a little practical knowledge, respect for wildlife, and common sense, we can all have a more safe and pleasurable experience.

From all of us at UDAP Industries

Get out there and enjoy the great outdoors!

"We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife. From people who know what's important! YOUR LIFE!!!"

For further information on camp setup, foad storage, etc., contact:

Park, Game & Fish, and Forest Service officials familier to the area you plan to be in.

A Special Note to our Customers:

If you ever use Pepper Power™ Bear

Deterrent to prevent an attack, UDAP

Industries will send you a FREE

replacement can in exchange for your

story. Please send to:

UDAP Industries, Inc P. O. Box 10808 Bozeman, MT 59730

1-800-BEAR 941 (800) 232-7941





BOOKS WE RECOMMEND

Self Defense for Nature Lowers by Mike Lapinski Stoneydale Press Publishing UDAP 1-800-232-7941

Mark of the Grizzly by Scott McMillion Falcon Publishing, Inc.

Bear Attacks by Stephen Herrero Lyons & Bruford, Publishers

Bear Attacks by Kothy Etling Salari Press, Inc.

Bear Aware by Bill Schneider Folcon Publishing, Inc.

VIDEOS

Bear Attacks
Stoney Wolf Productions
1-800-232-7941

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BEAR SAFETY TIPS

Travelling in bear country can be quite exhibitating. Although most encounters can be avoided, there is always a chance of encountering a bear. The following is a compilation of the latest information collected from various wildlife specialists, bear encounters, and articles featuring bear encounters. Although nothing is 100% guaranteed effective, bere are some tips that might prove to be useful in an encounter.



Grizzly bear coming out of woods onto trail in Western Alberto, Canada. Note the ears laid back. This bear is showing signs of agitation. This is when you need to be prepared and well rehearsed on what to do!

BE ALERT IN BEAR COUNTRY

- Always have UDAP Pepper Power in its holster ready for immediate use. Don't bury it in your pack!
- Be alert in bear country espesially where recent bear activity has been documented by park officials, Fish & Game, and other public service people. Some common areas bears like to frequent are: avalonche chutes, stream beds, dense edges of cover and, in late summer, berry patches.

- · Avoid travelling on trails at night area either end of day.
- Be careful with food smells never cook close to comp. Store all foods in plastic away from comp at night and when comp is unattended. We suggest at least 100 yards from comp and at least 14 feet up a tree hing 4 feet away from the trunk.
- Watch for kesh bear sign (scat or bear tracks) on the trait or near possible comp sites.
- If possible, make plenty of noise on the trail, especially on blad curves, in dense vegetation or areas with limited vision.
- Be conscious of the wind-bears have an excellent sense of smell. If the wind is at your back, chances are a bear will smell you and leave the area well before you reach it. If the wind is blowing in your face, your chances of an encounter greatly increase. Also, in high wind situations or along creeks and streams, a bear might not hear you coming or you might not hear it.
- Dead animal carcass If you come upon a dead animal carcass, immediately leave the area. Bears will after leed on a carcass for days and also stay in the area to protect their food.
- Bear cubs- If you see a bear cub, chances are the saw is not for away. Female bears will fiercely defend their young. We advise leaving the area and find an alternative route.
- Keep dags under control-dags can lead an angry bear back to you.
- Avoid travelling alone in bear country. Invite a triend.
 We suggest travelling in groups.

HOW DOES IT WORK?

As I see it, Bear Spray has three advantages for the user:

- It provides the person with a reason not to run. Running is a behavior which increases a bears natural reaction of chasing and attacking. Not running and holding your ground conveys a message that bears recognize, that of a co-dominant unwilling to yield. That gives them pause and buys you time.
- 2) The sudden and loud hissing of the spray and billowing cloud startles bears. This is caused by the pressure of approx. 96 lbs. at 77 F, making sound and sight that is surprising. They halt and again this buys you a bit of time (at least for those encounters where you have some space between you).
- 3) The red pepper extract is clearly a strong irritant, as observed with penned and wild bears that have been sprayed. Or Herrero, myself, and many others have seen bears sprayed directly with bear spray and they cough, wheeze, pow their eyes and nose wildly. It does create considerable discomfart in them, having the effect of stopping the behavior that the bear was displaying immediately prior to being sprayed.

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WHAT ABOUT **HUNTING IN** GRIZZLY COUNTRY?

Sportsmen who harvest big game animals in grizzly country, should be aware that the sound of a gun shot might sound like a dinner bell to a wandering grzzty. Some hunters tracking down their "trophy elk" can be quite surprised when they find a grizzly has beat them to it. Many hunters who have killed animals and returned the next morning to pack out the meat, have been suddenly confronted by on aggressive bear who had claimed the kill overnight. Hunters who make a kill in grizzly country should make lots of noise as they carefully approach the carcass. They should also try to view the carcass from a distance to see if a grizzly is guarding it. The blood and gore at a kill site may attract a keen-nosed, opportunistic grizzly. If a kill site appears disturbed, but no bear is seen, it's best to back off because the bear may be lying in cover rearby. A bear on a kill may refuse to back off, even when shots are fired into the ground nearby, and many sportsmen have been forced to relinquish their harvested game animal to a protective bear guarding its food supply. Smart sportsmen who harvest big game animals in grizzly country try to pack out the meat the same day of the kill, or they carry the quartered carcass to a safe spot a few hundred yards from the bloody kill site and then hang the quarters high in a tree.



From a Hunter to a Hunter UDAP Bear spray works 26

PRIME BEAR HABITAT

Avoid areas that bears like and you can reduce your chances of an encounter. If you can't avoid these areas, be extra cautious and alert when travelling through them. Bears like to travel on saddles, ridges, game trails and along water. They'll eat dead animal carcasses wherever they can find them. They feed on green grasses and also vegetation that grows in wet areas. They often rest in cool, dark, thick forests during the day. Grizzly bears are typically, but not exclusively active during the down, dusk, and nightime hours. In spring and early summer, bears are often found in lower elevations along rivers and streams. They love to catch fish when the spawning runs are going. They will also search for winter killed animals in these areas.

In the summer, bears usually spend time at higher elevations, often in park like areas. They'll eat wild berries when they are ripe. If you like to go out wild berry picking, be extra careful, make lots of noise and keep children near you at all

In the fall, bears are often found in whitebark pine stands eating pine nuts. Sometimes a bear will dig around a tree to try to locate a squirrel's cache of nuts. Bears also dig for roots in mid-elevation meadows, especially in years when there are fewer pine nuts.





A bear feeding on an elk corcass will feel threatened by your presence. Try to leave the area undetected. (Photo of Black Bear)

BE AWARE OF RECENT GRIZZLY BEAR ACTIVITY

Always check with park officials, rangers, or other authorities regarding the area you intend to trovel for possible bear activity. Always make sure others know where you are going to be in the back country. Learn to identify the signs of bear activity and avoid using these areas. Typical signs of grizzly bear use include: fresh tracks (a grizzlies claw marks extend futher away from pads than black bears), scat greater than 2 inches in diameter (most likely a grizzly's), areas where the ground may be torn up from bears scavenging, and partially consumed or buried animal carcasses.

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- Test fire downwind outside-pointed safely away. Contents may travel and/or linger longer than expected. Using a quick half-second burst will increase safety and confidence with this product.
- Safety Clip To prevent loss of safety clip, we attache the safety clip to the handle. (Please leave attached)
- Holsters The holster helps keep Bear Deterent safe and reliable. Our holster prevents the can from twisting, allowing it to be pointed in a ready position away from you. UDAP holsters are extremely effective and built with integrity for many years of service.
- Quick Silent Access Do not carry Bear Determent in your pocket, fanny pack, or backpack. For quick silent access in a close encounter attack, it is best to carry Bear Deterrent on your hip or chest. This allows you to shoot from holster if there is no time to draw.
- Loose Clothing Keep loose clothing and other objects out of the way.

Appendix E continued.

WARNINGS

- Keep out of reach of children.
- · Powerful inflammatory agent.
- Avoid accidental contact with eyes, skin, mucous membranes, and respiratory system.
- In case of external contact, wash thoroughly with cool water. Do not apply salves, oils, or creams. Expose to fresh air. Do not rub. Symtoms wear off in about 45 minutes. Should symtoms persist call a physician immediately.
- Unlawful to carry on any passenger aircraft.
- Do not expose to heat or flame or store above 120°
 F/49°C
 Do not puncture or incinerate.
- Do not leave in a hot vehicle or in direct sunlight.
- Handle with care, treat this product as a weapon.
- People with breathing disorders may want to be especially careful when test firing this product.
- · Read the label on can for additional information.

DISCLAIMER

UDAP Industries shall not be liable for injury, loss or damage, direct or consequential, arising out of the use of, or inability to use this product. The use of this unit, other than its in-

BEAR BEHAVIOR

Bears seem to experience moods much like we do; they can be shy, cuious, aggressive, and can possess other attributes that we can identify as humanlike. Each time you get close to a bear, you encounter a specific individual that may behave differently from any other individual you have ever met before or will ever meet again.

Grizzly attack victims are often not aware of why they were attacked. Many attacks are caused by close encounters, where the bear has been surprised and feels threatened by human presence. A female with cubs will be especially aggressive and will defend her cubs from any possible threat.

Many attacks can be avoided if the bear sees a way out of
the situation. Bears are basically solitary animals. Each has its zone of danger, or personal space, which varies from animal to animal. If something or someone penetrates this zone, a response in the form of a bluff charge, bodily contact, or outright attack may result. Often times grizzly bears will essentially ignore people until a person enters into a bear's "personal space". Even groups as large as 100 people have been ignored by grizzly bears until one of the group gets too close. Most bears are timid enough to flee a possible encounter if they sense the presence of something or someone soon enough to leave the area undetected. On the other hand, when a bear is surprised, the bear may see you as a threat, forcing an immediate response. A person who runs when frightened by a bear may trigger a chase response. One bear will even chase another if it runs. Bears that stand their ground when confronted by other bears usually aren't attacked, and bears that behave submissively have a lower incidence of being attacked as well, they simply try to remove a perceived threat.

The injuries that occur are more a function of what the human does to resist rather than what the bear is capable of doing. Of course, a grizzly entering a tent represents a predatory event which is behaviorally very different than a close encounter situation. Young grizzlies can pose another danger. Often these bears have just left their mother and rank low on the hierarchical scale. Larger, more dominant bears often push these juveniles into marginal habitat. To survive, young bears do a lot of exploring. If these bears start using compgrounds as foraging areas, they may quickly become dangerous to people camping in them. In extremely rare instances, young grizzlies will even key onto people as potential prey. Black bears seem to rely more on sheer bluffing than on charging and mauling. Those rare instances in which a black bear presses an attack can probably be grouped into two categories: First, a female protecting her cubs, particularly if she is also habituated and food-conditioned; or second, a bear that has no experience with humans and may regard them as possible

BODY LANGUAGE OF BEARS

A bear that stands on its hind feet is usually just trying to get a better look and smell by sniffing the air. This is not an aggressive posture in a fitself. It simply means that the bear is unsure of what is in front of him, but still could drop an all fours and charge. A bear that swings its head from side to side, or turns sideways from you, is expressing a reluctance to charge and is looking for a way out of thesituation. If a bear looksyou in the eyes directly and has its ears back, it's warning that you are too close and feels threatened.

(As seen in photo 1)

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BEAR SPRAY

Wisdom is better than strength. This product is not a substitute for caution and common sense. In the pursuit your activities don't be prey for an attack, stay alert, and be prepared with confidence and peace of mind by having easy access to any of our Pepper PowerTM products.

In any kind of attack situation you have to **react under pressure**. Attacks can be **fast**, often leaving you no time to think, only time to react. We strongly recommend you take time to familiarize yourself with this product's operation.

READ CAREFULLY THE ENTIRE LABEL ON BEAR SPRAY CAN

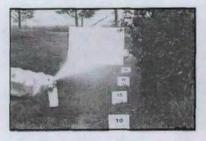
If a bear is charging, begin spraying when it gets within 40 ft./12 m It will run into the fog. If a bear is coming at you along with a strong wind, you may wish to wait until it is quite close before spraying, and then move away from area of discharge to avoid exposure to spray.

Appendix E continued.

UDAP Bear Spray Distances



Targets shown in windless spraying conditions: 10 ft./3.05 m, 15 ft./4.57 m, 20 ft./6.1 m, 25 ft./7.62 m & big target at 30 ft/9.14 m. (All hit by spray)



Distances will vary in different wind conditions, also the number of one second bursts available as per the size of can you have. Please read the label of the particular can you have purchased to familiarize yourself with its capabilities.

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A bear may also make barking, woofing or mooning sounds to indicate this. If a bear "pops" its jaws, it is very agitated and most often will charge. Charges are often a test to resolve a situation and are often "bluff charges" where the bearstops short of you, veers off and runs right post you. A bear might bluff charge many times before leaving. A bear may also bluff charge a few times and then come at you at a different angle.

A bear that does charge, and knocks you down, is attempting to remove a threat. The bear will use as much force as it believes is necessary to remove that threat.



A bear can instantly reach speeds of 30 to 35 miles per hour in a matter of a split second and can cover 50 yards in less than three seconds! Never try to outrun a bear, it will only make matters worse.

BEAR ENCOUNTERS ON THE TRAIL

- · Stop, stay calm and quiet, and make no sudden moves.
- Break eye contact do not stare in the bear's eyes, as this
 is a sign of aggression. You want to stare at and otherwise
 aggressive address a bear acting predaceously.
- Stand your ground do not turn your back on the bearsometimes a bear will bluff charge several times. Have your bear deterrent ready, but do not spray unless you are sure the bear is close enough to spray in the face.
- Look for signs of agitation and aggression When a bear is standing on its hind legs, it is usually just trying to get a better look and smell of you. When a bear is upset it may:
- -have it's ears back
- -lower it's head and swing it from side to side
- paw at the ground
- -make huffing or woofing noises
- -snap it's teeth
- or not show any signs at all, and just drop and charge with no warning
- Back away slowly, speaking in a calming, monotonevoice you want to show the bear that you are being submissive and want to get out of "It's" territory. Do not turn your back and always have your Bear Spray ready.
- If the bear comes at you-sproy the bear deterrent aiming for the bear's face or spray a fag out that the bear has to run through to get to you. Never run from a bear!!

Bear spray is not a general repellent - like citronella for bugs - to use around tents or camps. Just as we like the spice of cayenne pepper in food, some bears find pepper spray dispersed on the ground tasty. But the spray is a fierce deterrent. Dab a little cayenne pepper on your tongue, then inhale some. You will instantly know the difference.

Sports Afield - September 1998 - Colling the Grizzly's Bluff by Ted Kerasote

Out of dozens of incidents in the Yellowstone ecosystem in which pepper spray was used against a charging bear, there is only one, according to David Moody, Trophy Game Coordinator for the Wyoming Game and Fish Department, where the bear did not break off the attack (through 1997). A report earlier this year about old Bear spray on the ground luring in brown bears like "mayonnaise on bologna" may be some of just that -baloney. Bears, being exceptionally inquisitive, are lured by practically anything. More to the point, essentially, concentrated red pepper spray is not a repellent, like DEET for insects, to be applied to skin or dothing, but an airbome deterrent-like a Louisville Slugger across the bridge of a mugger's nose - to be shot in the bears face. If anyone is perversely misguided enough to take even the tiniest whiff of such spray himself (DON'T; and don't ask how I know), he will see - in an hour or so when his eyes, nose, throat, and lungs stop burning-that

a large can of Bear deterrent, carried in a quickly accessible holster, is unquestionably the best means (either lethal or nonlethal) of stopping and driving off any bear that comes within 20 feet.

Field & Stream - October 1998 - Being Bear Aware by Thomas McIntyre

Appendix E continued.

Is UDAP Bear Deterrent from the United States allowed to cross the Canadian Border?

Yes, You may now cross the border with a U.S.

Registered Bear Deterrent. (Not to be sold in Canada)

Will it work in freezing temperatures?

Yes, Pepper Power** Bear Deterrent has been tested at 5°F/
-15°C. However, for best performance in freezing temperatures we recommend the chest holster system for carrying the spray.

Is it any good after freezing?

Yes, but we recommend storage above 32°F/ 0°C. However, repeated freezing may weaken the product.

Does pepper spray attract bears?

Bear spray has received some negative newspaper coverage because some bears were actually attracted to the odor of sprayed red pepper.

That's because some folks, under the mistaken impression that bear spray acts as a repellent, had begun spraying it on personal items to discourage bears from chewing on them. Some parents even sprayed their children! This isn't a good idea at all - the bears like the taste. Matheny shakes his head at this misuse of bear spray. "It's designed to be sprayed into the face of an attacking Bear," he emphasizes. "It's not like bug spray!" On the other hand, more testimonials come in every year to the effectiveness of bear spray. Bow Masters - September 1998 -Self-Defense For Archers by Mike Lapinski

Keep a cool head - Try to stay calm, do not yell or scream.

 Some bears, even gizzlies, will dimb trees after you. Also a grizzly can reach 10 ft./3 m up a tree while standing on the ground.

If a grizzly or black bear makes contact in a surprise attack
at dose range (and you don't have bear spray), roll into a ball
or lie face down, try to protect your neck and lace, Don't stick
your arm out, kick, scream, or fight. Try to protect the
vunerable parts or your body while remaining as still as possible, this will actively be helping the bear remove the perceived threat.

Some bears, mostly young bears unfamiliar with the dangers of human contact, have been known to actually stalk humans. If you believe this is the situation you are in, and have not just surprised the bear, it is recommended that you defend yourself aggressively.

 If the bear mauls you continuously, despite yourself being passive, you may have to fight back. Try using any available weapon - a knife, rock, fist - and concentrate on hitting the bear's head, eyes and nostrils.



Grizzly sow with cubs





Photo of black bear

BEAR ENCOUNTERS IN CAMP

The situation of a bear that enters your comp is to be handled differently than a bear surprised on the rail. They might not have any fear of humans and have probably become used to eating human food and garbage. These bears are dangerous, and are no longer fearful of being in close proximity to humans. Make sure that you store your food properly. Abear that finds no food in camp is more likely to become disinterested and move on to better pickings. Try to remain calm, avoid making direct eye contact and speak softly to the bear. If the bear is within 15 ft./5 m, spray the bear with your Bear Spray. If it is safe to do so, try slowly backing out of the area while looking for suitable trees to dimb. Make sure you have enough time to climb a tree before attempting it. Make sure you can be up the tree at least 14 ft./4.25 m before the bear reaches you. Climb as high as you can and stay there until the bear is gone. Be aware that some grizzlies can climb trees and all black bears can.

FREQUENTLY ASKED QUESTIONS

What does Bear Spray actually do to the Bear A one second burst to the face of the Bear will:

- Dilate the capillaries of the eye causing temporary blindness, taking away the bears keen sense of smell.
- · Induce choking, coughing, and nausea.
- Cause mucous membranes to swell, preventing all but life support breathing.

- Where should the spray be aimed before firing?
 Always aim for the face of the Bear since this is where many of the mucous membranes affected by the pepper are located.
- Aim slightly lower than you think because bears usually come in with their heads in a low position, also to compensote for the bellowing effect of the fog.

 What is the shelf life of Udap Bear spray?

UDAP Bear Spray have an expiration date and batch code stamped, or an a sticker placed, on the bottom of the can. To safeguard your life and insure the effectiveness of the spray, we put a three year expiration date on all of our sprays. Always check to make sure you are not carrying an expired can of spray.

Once the can is sprayed, can it be used again? Yes, as a matter of fact we highly recommend you give each can a short test spray after purchasing (one -1/2 sec. burst). This test fire is to be done only once in the cans life-

How can I get my Bear Deterrent to where I'm going if I'm flying to my destination? You may call chead for local dealers at your destination. UDAP can also drop ship to any U.S. destination including Alaska with a UPS address. (406-763-4242 shipping price quote) Or you may ship it yourself UPS Ground only.

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PRACTICAL PREPARATION

Bear attacks happen as fast as lightning!!! Most situations where you will need to use your Bear Spray will be in a dose surprise encounter with cubs involved. Practice, at least seven times going for your spray, or until you can reach it in a split second's time when needed. You may want to practice actually shooting from your holster with one of our inert cans. These cans have the same spraying power as our regular sprays without the active ingredients. These are for training purposes only and can be purchased at less than half the price of our regular spray. We suggest also using outdated cans for this purpose. In a bear attack situation, we do know this: you will panic if you have not been trained ahead how you will think and react. Practice what you need to do in different attack situations. Rehearse, with friends or family various situations in order to be prepared in a real life threatening situation. Recently, a mother and her children were able to prevent a possible mauling by holding bear encounter drills with her family at home before hitting the trail.

UDAP Bear Spray disperses large amounts of active ingredients in a short amount of time!



If you are attacked by a bear in camp, it may be a predatory attack or could also just be a bear seeing your camp as it's food source, causing it to want to defend it. The bear may have made a conscious choice to attack you, or may see you as a threat to it's food supply. Playing dead may not work depending on the situation. Spray the bear with your Pepper Power Bear Deternent. Fight the attack by punching, slapping or using any object avoilable as a weapon. Try to evade the bear by climbing up a tree or onto a boulder. Sleep in tents large enough to stack gear between you and the tent wall. If a bear gets within 15 ft./5 m of your tent, or attempts to enter it, spray the bear with your Pepper Power Bear Deternent and fight back. Report the incident as soon as possible, even if the bear simply walks through the camp. We don't recommend staying in that campsite another night.

IF A BEAR COMES INTO YOUR CAMP AT NIGHT

Get your Pepper Power** Bear Deterrent ready, and then, look out of the tent and check out the bear with your flash light. First, make sure it's a bear, not one of your hiking partners or other hamless animal wandering in the night. If you can identify it as a black bear, the situation is usually not as serious as a grizzly coming into comp. Spray the bear if it is within 15 ft./5 m with your Pepper Power** Bear Deterrent. This will not permanetly harm the bear but will let it know that it is not welcome and it probably wan't return. If you have time, get to your escape tree, but don't leave the tent if you aren't sure you have time. If the bear (black or grizzly) is hanging around the cooking area because of the food smell, make lots of noise and try to scare the bear away.

IF A BEAR COMES INTO YOUR TENT

This is the worst possible situation. It very rarely happens, but there are a few documented cases.

Anight attack usually comes from a predatory bear. If you act like prey, you become prey.

Once more, don't panic, run, or scream, but don't remain colm. Instead, fight back with everything you have. Don't lie still in your sleeping bog, Don't play dead, Use your UDAP Bear Spray.

Make loud metallic noise. Use an air hom. Shine lights in the bears eyes. Temporarily blind the bear with the flash of your camera. Use any deterrent you brought with you. Unload on the bear with everything you have. Anything goes. Use whaterchysialtestanes (oran (Fight back or die!)



Food is best stored hanging high up in a tree. Out of a bears reach. (At least 12 ft.)

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Fortunately, I had a large can of UDAP Bear spray in a holster on my hip. When the bear was 50 feet away, it made a false charge. I hit it with a blast of red hot cayenne pepper that instantly enveloped the bear in an orange fog. The bear immediately stopped and began powing at its face coughing and wheezing, the bruin slowly stumbled into the forest." Mike Lapinski, Bowhunter Magazine

"... UDAP bear spray and a .44 magnum.."

"On June 28, 1998, my buddy, Cory Nuss, and I were hiking in the wilderness area near the East Entrance of Yellowstone National Park. We had been backpacking for three days and were making our way back to the Elks Fork Trailhead where our vehicle was parked. At 11:00 A.M. we ran into a sow grizzly with two very large cubs. We saw the cubs just as we broke into a small dearing. They were about 40 yards away. The cubs immediately ran away. As they were running away, the sow stood up to get a better look at us. When she saw us, she dropped down on all fours and charged. I usually carry both the magnum UDAP bear deterrent and a .44 magnum pistol. Cory did not have either one, so he carried my bear spray, just in case. The sow was 10 feet away when Cory Sprayed her. She immediately hit the brakes and wheeled away. I was just about to shoot her when Cory sprayed her.

There is no doubt in my mind that the bear spray saved the bear from being shot, and prevented serious injury or worse to Cory and myself. I am a true believer in your product. I spend many days a year hiking and hunting in grizzly country and I no longer go anywhere without your product. Also several of my friends have 'invested' in a can of UDAP bear spray. - Thanks for such a great product

- Jeff Buckingham-

I was carrying the 260 gram size of UDAP pepper spray on my right hip with the hood off and stowed as recommended in your literature. I blasted a cloud out as quickly as I could. Although by this time she was only 20 feet away, a cross breeze dissipated the oily, arange mist. The last burst noiled her square in the face and she stop cold. The angry bear then popped her jowls, shook her massive head about and bolted over the rise from which I had just approached.

Eric Burge

Bear spray works" We insist all of our guides and hunters carry Bear Spray with them at all times. Twice during the past two hunting seasons, I have been charged by full grown Grizzly bears. Both times, I know I could never have fired quickly nor accurately with my handgun. Both times, I used UDAP Bear Spray. Both Grizzly Bears were coming at full charge. Each time, it was as though they hit a brick wall when they charged into the fog of the Bear Spray! The cost of carrying and using UDAP Bear Spray is the best investment one can make." Nate Vance, outfitter-Teton Wilderness Outfitting, Cody, WY

"...powerful enough to stop King Kong!" I've shot bears with this volatile Bear deterent spray [from UDAP], and believe me, it is powerful enough to stop King Kong!" Many guides and wardens in Alaska prefer to use Bear spray instead of a firearm, because they've learned that the shotgun pattern blasted out by bear spray stops a charging behar more surely than a bullet. "This stuff works. I should know. Iwas photographing a bearlast spring in Mortana when the bear suddenly turned and began advancing toward me.

16

WHAT CAUSES A BEAR TO ATTACK?

Common Reasons:

Though we have established the fact that bears are unpredictable, there are four situations that are most likely to cause a bear to attack. By knowing what they are we can work to avoid getting into these types of situations.

- 1. When a person encounters a protective sow with cubs. An average of 80% of all attacks are related to these encounters.
- 2. When a bear is surprised, or startled.
- When a human gets too close to a bear's food supply.
- 4. Predatory Bear. (Intends to eat you)

Regardless of the situation, surprise is one of the leading causes of bear attacks. A surly softary bear, who is startled by a hiker on a trail, may run away or aggressively confront the hiker. Most injury encounters with bears occur when the person gets within 55 yards before the bear is aware of his or her presence.

UNDERLYING CAUSE OF BEAR ATTACKS

Bears attack other bears, other animals, and people because they have genetically programmed types of aggressive behaviors that pertain to population, regulation, survival defense, and predatory aggression. This doesn't mean that there aren't other factors involved in some attacks, or that people don't contribute to some attacks.

UDAP PEPPER POWER BEAR DETERRENT'S BEGINNINGS



"Thanks to God, a friend, and pepper spray, I am still here." Mark Matheny

"I can do all things through Christ who strengthens me." Phil. 4:13

14

"Spray 'em - Don't Slay 'em"

While out bowhunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute, the grizzly charged and mauled Mark two times.

Mark's hunting partner, Dr. Fred Bahnson, reacted immediately, spraying the attacking bear with a very small 4 oz. can of pepper spray. (Not a Bear Spray) Now out of pepper spray both men were in even more danger if the hostile grizzly returned.

Fortunately Dr. Bahnson got Mark out of the woods and to the emergency room without further incident.

Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right aim, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Marks wounds would have been much worse, if not fatal, if his hunting partner would not have head the can of pepper spray. UDAP Pepper Power was developed after Mark's experience and was not used in this attack.

Mark's experience changed his life. Since then, he has dedicated himself to improving a product designed to safeguard people against maulings, and to help them better coexist with wildlife. In a short time UDAP Pepper Power Bear deterrents have generated testimonials from grateful customers. The following Testimonials are from people useing UDAP Bear Spray EPA Reg. No. 719201-72007.

STOPS CHARGING GRIZZLY

I startled 3 large Grizzlies, a sow and two nearly mature cubs. All three bears charged me from about 40 yards out, closing the distance between us to less than 10 yards in little more than a second. The leading sow continued her charge, head down, ears bock, without breaking stride while the two others hung up slightly behind her.

Appendix E continued.

Beautiful day turns sow-er for two hunters



Dave Wood & Steve Chamberain

"I trusted my life with UDAP Boar Spray and it saved

Thanks Dave Wood

"If not for the help of a friend and your UDAP Bear Spray I probably wouldn't be here today."

The sun had just set over the tall peaks of the Madison range when a large sow Grizzly and her two almost fully grown cubs came running for what they thought was dinner. Dave Wood, my long time hunting portner and I, had been archery hunting all day without much success. We were watching the sunset and proceeded to violate one of our "Golden Rules" in that we did some elk calling when we weren't totally ready to hunt.

The bears where ready to hunt and did so with a ferocity and speed that is almost incomprehensible. At first we just heard the noise of something running at us at about forry miles on hour and only saw the three of them in the lost twenty yards of their charge as they brake into the small opening we were in. I had jumped to my feet and was facing them thinking they were a charging bull elk. I was crouched pulling an arrow from the bow quiver when I

realized we were in trouble. Before I could draw my gun the sow had taken her first bite of my left leg and broken my fibula. In less than six seconds she proceeded to bite my leg, my thigh, my arm and ultimately my head. With the first bite, I made a decision to fight her rather than play dead and kept trying to get my gun out of its holster. I had also called out to Dave to help me. He had actually been closer to the bears when they appeared but was already lying on the ground and they went right over the top of him to get to me. Finally as the sow was biting my head Dave jumped up armed with UDAP bear spray, he charged the mother Grizzly who was now facing him. She took the full force of the spray from less than ten yords whiching so fast that at first Dave wasn't sure he hit her. The effect of the spray was fast and effective as she and the cubs left and didn't return.

If not for the unselfish and quick response from Dove and the supreme effectiveness of UDAP bear spray, my encounter with that bear may have been my lost act. Dave and I have hunted elk in Grizzly country for many years tagether and we have had other less close encounters with them. In addition to coming across other hunters in the woods who have been attacked we have had several encounters when the bears have told us in no uncertain terms to leave their area. We always try to be prepared and have carried side arms in addition to UDAP bear spray since its inception. However, until this encounter, I think we both thought our first line of defense would be a gun. Now, we both feel that we wouldn't be out in the woods without UDAP Bear Spray and as for me it will be in a chest harness with UDAP's unique shoot from the holster design.

Thanks for making a product that really works and saves lives both human and animal.

Sincerely, Steven Chamberlain M.D.



Yellowstone Park Grizzly Attack



Dr. Crosson & Nils Wygant

She was thirry feet away and in full churge with a cub on both sides and another behind, the earth was flying as she clased the distance. She grabbed my call in her mouth and shook. I was fumbling for the bear spray on my beh, when she shook me, I yelled out! That brought my friend Nik up an to his knees, then she turned and charged Niks. He now had his UOAP bear spray out and ready. Propped up on his elbows he let her have it right in the face. GONE, DONE, MEYER SEEN NGAIN! The spray stopped the charging female grizzly on a time and sent her away for good. Niks called out to me, "I got her Tom, and I got her

good!"
The bear had broken my fibula, paralyzed a nerve in my leg and left me with two lorge gashes in the tack of my call. After Nils put a pressure wrap on my wounds, we bushwhacked for three miles to get back on the trail. Luckily, we had left emergency supplies at the point where the boat had dropped us the day before. Nils built an emergency shelter and fire for me. It was twenty-two hours between artack and inscree.

Next week, I will have a third surgery on the leg, in an attempt to repair the nerve that controls lifting my foot and toes. Next trip I will carry two cares of UDAP Bear spray. I will look into the Chest Holster for even more accessibility. Next time my spray will be out quicker.

Nils and I want to Hunk Mark and UNAP for soving both our lives. My family and Nils' wife and doughters think you are pretty cool too. Thank you for producing a quality product. Thank you disp for contents on in the hospital to lend moral support. It meets a loi to me.

Thanks Again, Dr. Crosson & Nils Wygant



As a recent survivor of a close encounter with a brown bear, I believe I over you a testimonial.

During the first day of silver solman lisking in Yakihar, Alaska, our party heard several stories about a "large" brown bear chasing fisherman. Sodly, after being chased, one unfortunate fisherman mode it back to his van, only to die of a heart attack. The next day was our turn. The bear carne out on a bar on the Situk River, but ren or so fisherman, several in a bont, dissuaded him from frightening them out of their fish. So, the bear waded up the river to where our party of four vocated only minutes before. Smelling the fish we carried, the bear dambed the bank and loped up the wet and narrow trait we had taken for 100 yards or shrough the thick brush. As the only (black) bear hunter in the group, I had little fear of "wid" bears, but great fear of "triendly" bears. Therefore, I carried the only can of UDAP Bear Deterrent ovailable at our Ledge.

Just before we came to an opening on the trail, the bear closed in on the last man in our party. At that point, I took a position behind my friend, let the bear come to about 15 feet, and while asserting "Bad bear, go home!" hit the trigger. To our great relief, the Bear turned "inside out" reversing course and disappearing into the brush. At that point, we beat a hosty retreat back to our year. Count on us as life-long converts to UDAP products.

Appreciatively, Shuldon Smith



Appendix F

Articles of Credibility

3 Copies each

App F

Yellowstone Grizzly Foundation

6 November 1998

Mark Matheny President, UDAP Industries 13160 Yonder Road Bozeman, MT 59715

Dear Mark,

I have reviewed your informational booklet entitled "Proper Use of Pepper Spray and Bear Safety Tips". As you know, I have been involved with a long-term study of grizzly bear behavior since 1983. As part of that study, I have also focused on human-grizzly interactions. I lecture extensively about this subject throughout America and have written the chapter on bear attacks in The Management of Wilderness and Environmental Emergencies, edited by Paul Auerbach, M.D.

Based upon my background and experience, I believe it should be mandatory that this booklet be included with the purchase of pepper spray. As it points out, the best safety factor is to avoid an encounter, but if you do have an encounter with an aggressive bear (black or grizzly), then the booklet clearly discusses the proper use of pepper spray.

The Yellowstone Grizzly Foundation has formally endorsed the use of red pepper spray, and specifically your product, as the best defense against an aggressive bear encounter. The informational booklet now solidifies that endorsement.

With Warm Regards,

Steven P. French, M.D.

P.O. Box 12679 Jackson, WY 83002

SURVIVAL CONSULTANT GROUP

6612 Fredrick Drive Colorado Springs, CO 80918

17 November 98

Mr. Mark Matheny 13160 Yonder Rd., Bozeman, MT 59718

Dear Mark,

With the publication of your "Proper Use of Bear Spray -- Bear Safety Tips" pamphlet you have filled a vital need. Until now the public has not had a concise source of practical information from which to learn about the use of pepper spray as a bear deterrent.

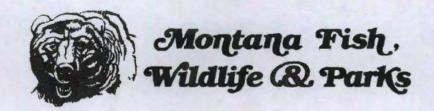
Rest assured that the audiences that I speak to each year will be fully aware of the benefits of carrying UDAP products not only in the back country but also as a means of deterring attacks in urban settings as well.

As usual UDAP Industries is the pace setter in working toward ensuring the safety of those that recreate or work in the outdoors.

Sincerely,

Peter Kummerfeldt

Owner and Chief Instructor



1420 East Sixth Avenue PO Box 200701 Helena MT 59620-0701 October 29, 1998

Mark Matheny, President UDAP Industries 13160 Yonder Rd Bozeman MT 59715

Hi, Mark,

Just reviewed, and had our Wildlife crew take a look at the brochure insert you anticipate including with your pepper spray products. They all agreed it was well done and a good idea to include it.

Thanks for the opportunity to review the information.

Regards,

Ron Aasheim, Administrator Conservation Education Division

Ref: matheny

GRIZZLY BEAR EDUCATION & WILDLIFE STEWARDSHIP CAMPAIGN
General H. Norman Schwarzkopf, National Spokesperson

CENTER FOR WILDLIFE INFORMATION

December 7, 1998

P.O. Box 8289 Missoula, MT 59807 406-523-7750

Mr. Mark Matheny
Universal Defense Alternative Products
13160 Yonder Road
Bozeman, MT 58715

Dear Mr. Matheny,

We have reviewed your draft "Proper Use of Pepper Spray - Bear Safety Tips" pamphlet received October 22, 1998. We believe your pamphlet portrays the current and appropriate information for use of pepper spray.

We do suggest, however, that in the final product, the black and white photos be printed as sharp as possible. Visitors to bear country properly carrying and, if the need arises, using your product should have a memorable and safe trip.

Thank you for the opportunity to review your literature.

Sincerely,

Chuck Bartlebaugh

Sincerely,

James Gore

Forest Service

National Grizzly Bear Habitat Coordinator

e:cwi/spec proj/bearspray.mathlt



United States Department of the Interior

NATIONAL PARK SERVICE 100 Bux 168 Yellowstone National Park Wyoming 82190

January 5, 1999

Mr. Mark Matheny Universal Defense Alternative Products 13160 Yonder road Bozeman, Montana 59715

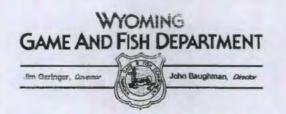
Dear Mr. Matheny:

Thank you for the opportunity to review the informational booklet entitled Proper Use of Pepper Spray and Bear Safety Tips which you plan to include in each package of Bear Pepper Spray that you sell. I concur that it is a good idea to include an informational booklet with your product since many of the people hiking in bear country know very little about bears, bear behavior, how to use bear pepper sprays, or the causes of bearinflicted human injuries. The booklet contains good information on how to avoid encounters with bears before they happen as well as information on how to defuse aggressive confrontations with bears once they occur. The booklet also contains information on the types of situations where it is appropriate to use Bear Pepper Spray during aggressive confrontations with bears. In addition, the booklet emphasizes becoming familiar with the Bear Spray holster, safety clip, and spray distance. Knowing how to properly use defensive equipment is extremely important when dealing with potentially life threatening situations. I believe this booklet will contribute to the reduction of aggressive confrontations between bears and humans, will help reduce the number of bear inflicted human injuries, and will also reduce the number of self defense kills of bears by outdoor recreationists, thus benefiting both people and bears.

Sincerely,

Kerry A. Gunther

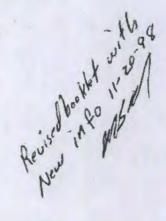
Bear Management Specialist Yellowstone National Park



November 6, 1998

Mark Matheny, President UDAP Industries 13160 Yonder Road Bozeman, Montana 59715

Dear Mark:



In reference to your request, I have reviewed your pocket publication on the "Proper Use of Bear Spray". I believe providing this publication with your product is an excellent idea. It should help in our collaborative efforts in the Rocky Mountain region to help people learn how to coexist with bears and practice safety in bear country. I do have comments regarding your publication section titled "Bear Encounters on the Trail" in which you advise people to fight back in a black bear contact situation. In my discussions with bear biologists I have found there is no clear concensus that this is the course of action which should be prescribed to the public for two reasons: 1) a territorial male or sow with cub/s black bear may exhibit similar dominance behaviors as a grizzly and may act like a grizzly in a human contact situation, 2) this assumes that the person knows the difference between a black bear and grizzly bear when in a contact situation. For these reasons we prescribe threating the black bear contact situation the same as for a grizzly. I have heard biologists prescribe it both ways for black bear, and it probably depends on the situation and the behavioral traits of the individual bear. The next reprints you do of this publication, I would suggest you consider this and discuss it with bear biologists. I further suggest that you add local State Wildlife Agency and US Forest Service offices and personnel as good sources of information and people to contact to report encounters and bear conflicts.

Sincerely,

Dave Lockman, Education Supervisor

dcl

cc: Reg Rothwell
Dave Moody

November 6, 1998

MEMORANDUM

TO:

Mark Matheny

FROM:

Dave Moody, Chris Queen

COPY TO:

File

SUBJECT:

UDAP Pepper Spray Literature

Review Brooklet This is an excellent marketing idea. We found a couple of items in the pamphlet that we had ideas on.

- 1) I am cited as saying there is only one account where a bear attack was not broken off after a bear had been sprayed. This statement needs to either be rephrased or qualified by a date, after the two incidents in 1998 (Grizzly Creek and Crescent Creek). I would simply qualify by adding "through 1997" to the
- 2) "Be Alert in Bear Country" describes areas where bears like to frequent. Lately, when asked about areas frequented by bears, we tell people that they are likely to be anywhere in the areas where we have documented presence (i.e. the upper Wind River Drainage), and do not restrict occupancy to any type of habitat. This, we believe, gets them thinking about bears prior to arriving at high density areas.
- 3) The fourth point in that same segment talks about food smells and storing food away from camp. A good point to be made here is that food should be stored unavailable to bears (grizzly or black) at night and when a camp is unattended.
- 4) "Avoid Prime Bear Habitat" addresses where bears travel and what they like to feed on. You could also state that grizzly bears are typically, but not exclusively active during the dawn, dusk, and nighttime hours. And, typically seek cool, dark, thick forested areas to bed and sleep during the day.
- 5) An excellent job of describing "Bear Behavior". We think in the personal space segment you could add that often times grizzly bears will essentially ignore people until a person enters into a bears "personal space". Chris has seen this dozens of times in the upper North Fork where a bear will appear not to acknowledge a group of 100 people until one person gets too close.
- 6) We think it is important to note in the "Body Language of Bears" segment that bears do not follow any set chronology of behaviors. A bear can go from a standing, curious posture to a "immobilize the threat" charge without ever woofing, popping his jaws, etc. They are unpredictable.
- 7) Lastly, the "Bear Encounters in Camp" segment suggests that if a bear attacks a person in camp, that it is most likely a predatory attack, and that a person should fight the bear. This leaves many situations. wide open. We agree that if a bear enters your tent while occupied, he is likely looking at a person as a food source. However, from past experiences where bears have received food rewards from camps, and have become habituated to humans, they are likely to associate a camp with a food source, not a camper as a food source. In this situation, a bear is likely to defend that camp as his own. The Brooks Lake bear from 1998 as an example, where the bear associated camps with food, and would try to run people out of their camps.

Overall, this is an excellent job of promoting pepper spray and bear conservation. We do think it is important to note that any species of bear, and any wild animal for that matter is unpredictable...period.

November 12, 1998

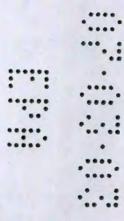
UDAP Industries 13160 Yonder Road Bozeman, MT 59718 1 800 232 7941

I have recently reviewed "Proper Use Of Pepper Spray - Bear Safety Tips" booklet that your company is planning to include with your bear deterrent pepper spray product, "Pepper Power".

The booklet provides a large amount of valuable and needed information on the specifics of the product, as well as insight in dealing with bears and conducting proper activities while in occupied bear habitat. If people who purchase your product will take time to read and understand the information you are providing, it could reduce serious encounters with bears, thereby enhancing human safety as well as reducing the chance of a bear mortality during the bear /human conflict. This booklet will also help people realize the seriousness of a bear encounter, and with that understanding they should take the proper precautions to avoid preventable (in camp, near homes, carcasses, high bear use areas) encounters.

This is a very good supplement to include with your product; the bears thank you.

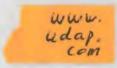
Kevin Frey Grizzly Bear Management Specialist Yellowstone Ecosystem Montana Fish Wildlife & Parks











Magnum Bear Spray w/ Hip holster

Total Wt. 15oz. Net contents 9.2oz/260g

\$49.95



Range up to 30 feet (9Meters) 2.0% Capsaicin and related Capsaicinoids

Hip Holster is included with this item, and is designed to shoot from the holster



In addition to providing quick-draw access and a comfortable means by which to carry pepper sprays. Our pepper spray holsters prevent the can from twisting, allowing it to be pointed in a ready position away from you. UDAP pepper spray holsters allow the user to shoot "from the hip" without drawing the canister. We recommend however, that the canister be drawn and aimed if time allows. Shoot from the holster design is extremely practical when the situations of an attack is fast. The hip Holster comes with a 1" wide elastic strap that snaps over the top to prevent the canister from getting lost. UDAP holsters are extremely effective and built with integrity for many years of service

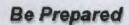
Order)





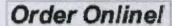


Pepper Spray Information, Education and Products





UDAP Industries





UDAP Pepper Power™ developer Mark Matheny 20 min the grizzly bear attack that created UDAP industries— manual of a complete system of pepper sprays with carrying access designed for quick access and potent stopping power.

All pepper sprays are not created equal, some have ex UDAP Pepper Power is manufactured to ISO standard highest quality of standards

"Thanks to God, a friend, and pepper spray, I am still here."

Photo taken September 25, 1992 by Mark Matheny's hunting partner Dr. Fred Bahnson. Mark Matheny President UDAP Industries

Welcome

While out bow hunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute, the grizzly charged and mauled Mark two times.

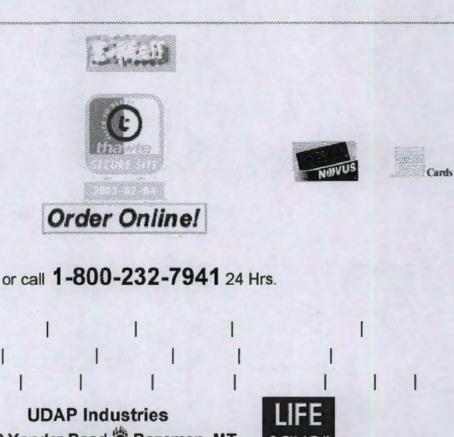
Mark's hunting partner, Dr. Fred Bahnson, reacted immediately, spraying the attacking bear with a very small 4 oz. can of pepper spray. Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bahnson got Mark out of the woods and to the emergency room without further

MasterCard

incident.

Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Mark's wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray. The pepper spray that was used in Mark's attack was not a Bear Pepper Spray.

We at UDAP Industries believe that Your Life is as important to Others as it is to Yourself. From "first hand" experience, we realize how quickly life can be taken away.



UDAP Industries

13160 Yonder Road Bozeman, MT

59718

saver

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JOAP pe ppe r



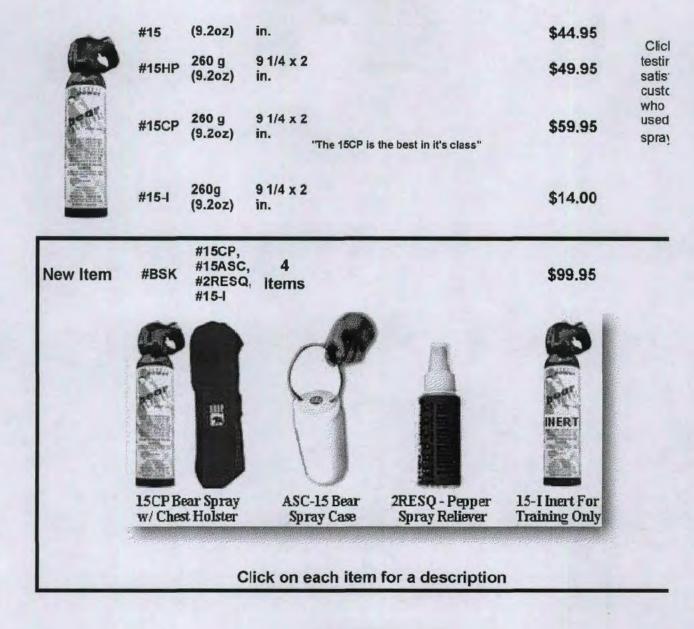
Pepper Spray Information, Education and Products

Bear Products

Order



				**		
	Item #	Net Contents	Total Size	Description	Price	Go
	#12	225 g (7.9oz)	8 1/2 x 2 in.		\$39.95	To v proc click Des
	#12HP	225 g (7.9oz)	8 1/2 x 2 in.		\$44.95	
	#12CP	225 g (7.9oz)	8 1/2 x 2 in.		\$54.95	
	#12-I	225g (7.9oz)	8 1/2 x 2 in.		\$12.00	
		260 g	9 1/4 x 2			



Specifications

- 2.0% Capsaicin and related Capsaicinoids
- Range up to 30 feet (9 meters).
- Made from Oleoresin Capsicum

- EPA Reg. No. 71920-1-72007
- Strong irritant to eyes, nose and skin
- 7.9oz & 9.2oz Sizes

Directions & Information



Bear Deterrent

(Wording below is taken from our label)

This product has a range of up to 30 feet (9 meters).

Active Ingredients:
Capsaicin and related capsaicinoids* 2.0%
Inert ingredients 98.0%
TOTAL 100.0%
*Made from Oleoresin of Capsicum

Order Online!

UDAP Industries 13160 Yonder Road Bozeman, MT 59718 1-800-232-7941

CHEMICAL EMERGENCY: 1-800-535-5053

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attact Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situal all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect or safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or which may have become contaminated with this product. Use with caution. Contents will cause pain and temporar eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe

This canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, an safety clip to disarm the container. Before taking this product into bear country, read the directions and familiariz these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and test-fire Pepper PowerTM in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this produc should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activitie the column below.

TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip. With thumb, pull and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reac aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aimir Shield your eyes and face if you must face the wind.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubb result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap ar handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical a IF ON SKIN: Wash with plenty of soap and water. Get medical attention, if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container temperatures above 1300 F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material. STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in plat temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in se newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Disclaimer: To the extent allowed by law, UDAP industries, inc. shall not be liable for damage, injury, loss, direct c including death arising out of the use of, or inability to use this product. Contact local law enforcement officials ab concerning this product. Note: As part of an ongoing research project, UDAP Industries needs your true account c PowerTM use against bear attacks. Please call 1-800-232-7941 for details.

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT W
PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFEC'
SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT
WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel fc precautions.











Order Online!

or call 1-800-232-7941 24 Hrs.

UDAP Industries

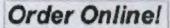
13160 Yonder Road Bozeman, MT
59718

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Testimonials

Stories from Actual Encounters with Wild Animals



Wisdom is Better than Strength! Be Prepared!

EPA registered bear spray may be used only to deter bears. However these are cases where used bear spray to protect themselves in other animal attacks.

Testimonies are in chronological order and updated as additional stories come in - Check back fre

...he decided it was "lunch time" again, and I was the "milk bone".



Kirk Brill & Sparky

All of a sudden, I hear something just behind me on my left side (I am right look to see what it was, and it was the largest Rottweiler I have ever seen hell to catch up to me. I had rigged a bag on my handle bar for your spray

have time to get it out and arm it. Instead, I peddled like heck to get away from "killer". They are so fat butt big, and waste so much time drooling and snarling, that I lost him. I must confess I cussed and yelled at the beast to get the hell out of there. He retreated back to his house. By this time, I was as mad as the grizzly that about ended your days. I pulled the can of Bear Spray, armed it. I turned around and rode right past were the dog was sitting. I got about even with him, and he decided it was "lunch time" again, and I was the "milk bone". He was about 15 feet away and

gaining fast. I let him have one single blast. Boy, it happened so fast, it looked like a blast out of a large fire extinguisher. The "blast" hit him full hilt in the face chest and one side of the body. He stopped dead in

shook himself and ran back to his house. I have tried to nail a few other charging dogs "personal pepper sprays" sold in hardware stores with less than good success.

In my one experience, you product was everything you said it was!!

We have many homeless types that roam our bike trail areas. I have been afraid that or rob me and steal my bike (my pride in joy toy - \$3000) from what I saw today, heaven he try. My motto from now on is: "walk softly, and carry a big can of your Bear Spray".

Thanks for putting your product on the market. I now feel much safer and able to defend myself (I am 62, 5'7", 12 taken some martial art training (belt below brown belt). If I had my choice between having a Black Belt to defend me, and a can of your spray, I would feel safer with the can of your spray.

Kirk Brill

"...determined to finish me off, she advanced into the cloud..."



Gerald Joest

As a resident of Yellowstone Park, I carry my *UDAP Pepper PowerTM* bear s all the time. My diligence in carrying UDAP paid off on a spring morning, when my bike and peddled of to work. I was still a little sleepy, when a cow elk came nowhere. She was in that "protecting my young" mode and I knew she was go contact. I turned my bike right. She turned left and kicked her hind legs, striking knocking me to the ground. Now on the ground and the elk coming toward me my UDAP pepper spray and let off a two second burst, when she was about 1:

noise from the can startled her at first, but "determined to finish me off, she advanced into the cloud". She didn't get two steps when she started to sneeze and back up. As I peddled off, I took one last look over my shoulder, only to see the rump of the cow elk retreating also.

I am thankful to those at UDAP Industries for making such a product, which not only saved me, but also the elk. I know if I had been seriously injured, the elk would have probably been

destroyed, leaving its young to fend for itself, and almost surely sealing the calf's fate also.

Thanks UDAP,

Gerald Joest

Lions, Tigers and UDAP Bear Deterrent Pepper Spray

To who it may concern I have used the product *UDAP Pepper PowerTM* for the control of big cats as a non lethal or physical damaging agent in the following emergencies.



- 1) Male tiger introduced to a new female tiger for the purpose of breeding. The male tiger upon introduction to the female grabbed her by the throat and would not let go after the use of C02 water and noise to no avail, we gave the male tiger a short blast of the pepper power from about 20 feet it hit him around the head and he immediately turned loose of the female and left her unharmed.
- 2) We had several male lions out on the compound together when one male bit the other on the tale. When this happened the bitten male became very hostile and attacked the first male. I was standing by the action and had a can of pepper power on hand as is our practice at all times for potentially violent circumstances. When the lion fight broke out I sprayed the lions from 20 to 30 feet away and the animals stopped on the spot with little injury from the fight. I am sure without the spray the injuries would have been very serious.
- 3) A female Jaguar (temporarily placed with us) decided not to let her keepers near the door of her bar type enclosure. She would attack at the door as soon as she new someone was coming. We tried several times with food, water from a hose, and a stick to convince her to let us close to her door to no avail. This was preventing us from cleaning and feeding her and her breeding mate. We used the shortest burst possible of UDAP Pepper PowerTM and she left the area and she let us close to the door.

I have had over 200 big cats and have raised them in Zoos for more than 18 years I have found the *UDAP*Pepper PowerTM product to be a valuable means of big cat deterrent in extreme emergency situations, it works fast with no permanent harm even on the most aggressive animals under extreme circumstances.

UDAP Bear Deterrent Pepper Spray at the Zoo

I am writing this letter to endorse *UDAP Pepper PowerTM* as a deterrent for big cats. I had the chance to use it in the following situation. Our tiger exhibit here houses two tigers. We recently chose to introduce a third animal into the exhibit. All went well for a week when the male tiger attacked the new female grabbing her by the side of the head and the other female grabbed her by the leg. He had a death grip on her and I am sure she would have perished if not for the quick effect that the *UDAP Pepper PowerTM* Spray had on him and his cage mate. The female tiger has fully recovered and they are getting along better now thanks to *UDAP Pepper PowerTM*. I have been in the zoo business for thirty-five years and I feel that *UDAP Pepper PowerTM* has a very powerful and immediate preventive effect upon wild felines when situations of harm arise. This product can stop the animal in it's tracks with no lasting harm to the animal.

... It takes the wind right out of their sails...

I am a vet who works exclusively with cattle in southern California. We don't see many bears here in Chino, but with over 100,000 dairy cows, we have more than our fair share of bulls. Two weeks ago a worker on a dairy here in Chino was killed by a bull. They are extremely dangerous and can weigh up to 2,000 lbs. You must never let your guard down when you are near one. Unfortunately, because of my work, I must often turn my back to them while I am in the corrals. I have made it a practice to carry UDAP Pepper PowerTM on my belt whenever I am in a bull string. If I am not carrying it, I feel naked. Whenever a bull crosses the line from threatening to dangerous I let him have it with the spray. It takes the wind right out of their sails every time. I have had to deal with enough aggressive bulls that I managed to use my entire bottle of spray. After that man was killed two weeks ago, I am glad that I did. If he had been equipped with a UDAP canister, I know he'd be alive today. Thank you for making a product that works.



Dr. Andrew Borrowman November 29, 2000

From Micronesia to Alaska

Thank you for your outstanding product. I originally purchased (2) 15 oz. cans [UDAP Pepper PowerTM] for use as a defense against a Brown Bear attack here in Alaska. However, I spent last year on a tropical island in Micronesia. Although there were no Brown Bears there, I did find some extremely aggressive Boonie Dogs. One American school teacher was attacked by these dogs and required stitches on his back, he was lucky there were no more extensive injuries. I began carrying the pepper spray as a defense against these vicious animals. The product performed very well, and I was never injured. I used up both cans. Now, I'm back in the Alaskan Bush. My wife is teaching in a one-room schoolhouse and I'm working for the timber company based here. A couple weeks ago, my wife looked out the window and saw a Brownie chasing a dog around the schoolhouse. We've also had a black bear that has tried to get into the cookhouse. I work in the wilderness and see bears frequently. I would like to request 3 more cans of 15 oz. UDAP Pepper PowerTM. Thanks again for a wonderful, life-saving product. — Michael A. Edison

man's best friend - Two Large Dogs vs. Owner & Small Dog

On the night of Aug. 30, 1998, my Scottie and I decided to take a walk around the block. In the darkness of the night we rounded a corner only to be surprised by two large dogs charging us at full speed with lips pulled back and teeth bared. With only seconds to react, I yanked my 24 lb. Scottie into the air while simultaneously drawing my UDAP magnum Pepper PowerTM from my waistband. The UDAP Pepper PowerTM came out of the holster quickly and almost in an instant the safety was off. As the two 80 lb.dogs started to attack, I



pulled the trigger and stopped them as if they had hit a brick wall. Last seen the two dogs were turning somersaults and rubbing their muzzles in the grass. Around the block or in the Colorado high country, we don't go anywhere without *UDAP Pepper PowerTM*. My Scottie Angus and I want to thank you for saving his life and saving me from a serious mauling. In a crisis *UDAP* is a best friend. — Richard Boulware

The big Lion hissed...



Its tail swishing angrily, the hungry lion began shadowing me on the same trail. When the big cat stalked to within 30 feet I sprayed it with *UDAP Pepper PowerTM*. The big lion hissed and immediately began pawing its face, then bounded away in a blur. I learned the wisdom of being prepared, I won't go into the woods without *UDAP's* pepper spray. It puts me at ease and I can enjoy the outdoors without worrying. My wife and my daughters all carry your pepper spray when outdoors, because you never know when something unexpected might happen.

And what about the video, Bear Attacks

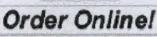
The video offered good information and good advice that should be required viewing for hikers, backpackers, hunters, campers, or anyone else who ventures into bear country. – Mark Henckel, Billings Gazette

For human attack testimonies click













or call 1-800-232-7941 24 Hrs.

UDAP Industries

13160 Yonder Road Bozeman, MT

59718



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Pepper Spray Information, Education and Products

As seen on TV - Discovery Channel's "How to Surv

Be Prepared



Your Story

Order Online!

We would like to hear of your stories and experiences of wild animal encounters. If we publish your story we will send you a FREE can of Bear Spray. We also look forward to hearing your comments about our web site and products. UDAP Industries values your opinions and will publish any information that might help others. To keep the integrity of this web site to the highest standards, UDAP Industries reserves the right to publish, edit, or not publish information received as the result of your input.

Thank you, UDAP Industries

Please Follow the link to email your story and/or Pictures Remember to tell us how to get in touch with you! Thanks!



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Our Story

UDAP Industries Pepper PowerTM Bear Spray is one of the most effective bear sprays available. Like most bear sprays, Pepper PowerTM is made from capsaicin which is derived from hot pepper. Although you might think most bears sprays are the same, they are not. UDAP Industries was founded by Mark Matheny, an actual Grizzly Bear attack survivor. In September of 1992, while on a bow hunting trip, Mark was attacked by a sow Grizzly bear. As you can see by the pictures on these pages Mark was severely mauled by the Grizzly bear. Mark's hunting partner had a small self-defense can of pepper spray which he used to drive the grizzly bear off of Mark. When Mark founded UDAP Industries he knew that he wanted to create a bear spray that would be the most effective bear spray ever. He wanted a bear spray that could be used by everyone; campers, fishermen, hikers, backpackers, outdoor photographers, in short, anyone who ventures into the outdoors where bears of any kind live.

Other companies had already begun to market Bear Deterrent sprays. Mark set out to design a bear spray that would, in his mind, do a better job of deterring bear attacks than other sprays. The first thing he realized was the average hunter, hiker, camper or photographer needed a bear deterrent that would not only be effective but the bear spray must be reachable at a moments notice. Since a bear encounter can occur with lightning speed an outdoor person needs to be able to instantly reach their bear spray. With this in mind Mark set out to design a bear spray holster that would allow instant access to the bear spray, and allow the outdoors person to shoot the pepper spray right from the holster if needed. Mark analyzed holsters from competitive bear spray manufacturers and decided another feature he wanted in his bear spray holsters was protection from accidental discharge of the pepper spray. The result is a bear spray holster that protects from accidental discharge, but still allows instant access to your bear spray.

The most important thing Mark looked into was the method of delivering the bear spray. One thing that bothered him was the effect weather could have on the delivery of alcohol-based OC and water-based OC pepper sprays. The result is that UDAP Industries Pepper PowerTM uses an oil-based OC, with a powerful airborne propellant delivery system. The orange color is easy to see the direction of spray and therefore easy to direct the pepper spray quickly to the bears face. Thus making the safest, most effective pepper spray delivery system in the world.

Remember it is not just grizzly bears that can be dangerous. Black bears can be just as dangerous, and with more and more states outlawing the use of hounds and bait on bears and cougars, the number of cougar attacks is on the rise as well. Some states do not allow bow hunters to carry a side arm. Bear spray is extremely important for bow hunters hunting in bear country, or to stop any aggressive attack.

A Special Note to our Customers: If you ever use **UDAP-** Pepper **PowerTM** to prevent an attack, UDAP Industries will send you a FREE replacement can in exchange for your story. Just send your story and your shipping address to:

UDAP Industries 13160 Yonder Road, Bozeman, MT 59718

We are dedicated to helping safeguard people from attacks and to help co-exist with wildlife. From people who know what's important! YOUR LIFE!!!"

Your Story

This spot is reserved for your stories of wild animal encounters. These don't have to be related to pepper spray use. We just want your input and some more interesting reading.

Thank You,

Editor

"...We all laughed at him for "wasting" his money..."

She got within 15-20 feet and stopped briefly to snarl, snort and bounce upon an alder that was separating her from us. At this point I attempted to light my flare as a last defense. It was a dud, maybe I was just too nervous and fidgety, but I'd like to think it was the latter. There

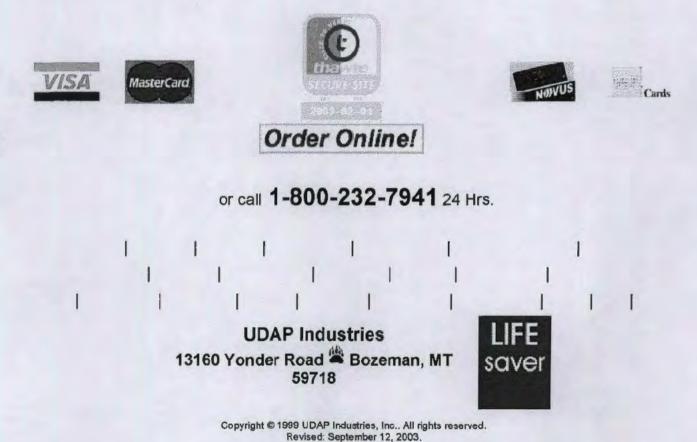
was no time to reach for another so I stood poised with my machete. The only thoughts going through my head were "I wonder what this is going to feel like." At this point fear wasn't even an option, the adrenaline had induced a slow motion type of analysis and curiosity. The sow bounced on the alder a few times and made her final charge toward us. I had completely forgotten about Todd, and his bear spray, but luckily for us he stepped up and sprayed... CLICK FOR FULL STORY

Regarding UDAP Pepper Power use, from Eric in Alaska

My only experience to date has only been with stray dogs and one would-be mugger. It had the desired effect on all, and the mugger dropped to the ground moaning, totally incapacitated. I was very happy with those results, and glad that no further force was needed (I carried a Sig P226 9mm at the time). My concealed carry trainer had turned me onto the stuff as a first line of defense.

Also, here in Alaska, if you kill an animal (bear, moose, wolf, lynx, etc.) in defense of life and/or property - you are required to remove the skull and cape of the animal and turn it over to Fish & Game (state). This alone is a larger motivator to use a non-lethal deterrent. However, that is not to say that I have *any* reservations about terminating the existence of a predatory animal, or one that sees fit to rip me or any loved ones to shreds... kill or be killed comes to mind in a few instances.

- Eric in AK









Pepper Spray Information, Education and Products



Bear Safety Tips Be prepared BEFORE you explore the Order Online! great outdoors!



Traveling in bear country can be quite exhilarating. Although most bear attacks can be avoided, there is always a chance of encountering a bear. The following is a compilation of the latest information collected from various wildlife specialists. bear encounters, and articles featuring bear encounters. Although nothing is 100% guaranteed effective, here are some tips that might prove to be useful in an encounter.

BE ALERT IN BEAR COUNTRY

- · Always have Bear Deterrent Pepper Spray in its holster ready for immediate use. Don't bury it in your pack.
- · Be alert where recent bear activity has been documented by park officials, Fish and Game, Forest Service, an other public service people. Some common areas where bears like to frequent are: avalanche chutes, stream beds dense edge cover and, in late summer, berry patches.
- Use extreme caution when travelling on trails at night or at either end of day.
- · Be careful with food smells never cook close to camp. Store all foods in plastic away from camp at night an when camp is unattended. We suggest at least 100 yards from camp and at least 14 feet up a tree hung 4 fee away from the trunk.
- Watch for fresh bear sign (scat or bear tracks) on the trail or near possible camp sites.

- If possible, make plenty of noise on the trail, especially on blind curves, in dense vegetation or areas with limite vision.
- Be conscious of the wind bears have an excellent sense of smell. If the wind is at your back, chances are a bea will smell you and leave the area well before you reach it. If the wind is blowing in your face, your chances of a encounter greatly increase. Also, in high wind situations or along creeks and streams, a bear might not hear yo coming or you might not hear it.
- Dead animal carcass If you come upon a dead animal carcass, immediately leave the area. Bears will often fee
 on a carcass for days and also stay in the area to protect their food.
- Bear cubs If you see a bear cub, chances are the sow is not far away. Female bears will fiercely defend the young, so it is best you leave the area and find an alternative route.
- · Keep dogs under control dogs can lead an angry bear back to you.
- · We advise not to travel alone in bear country. Invite a friend, It is always safer to travel in groups if possible.



AVOID PRIME BEAR HABITAT

Avoid areas that bears like and you can reduce your chances of an encounter. If you can't avoid these areas, be extra cautious and alert when travelling through them. Bears like to travel on saddles, ridges, game trails and along water. They'll eat dead animal carcasses wherever they can find them. They feed on green grasses and also vegetation that grows in wet areas. They often rest in cool, dark, thick forests. Grizzly bears are typically, but not exclusively active during the dawn, dusk, and nighttime hours.

In spring and early summer, bears are often found in lower elevations along rivers and streams. They love to catch fish when the spawning runs are going. They will also search for winter killed animals in these areas.

In the summer, bears usually spend time at higher elevations, often in park like areas. They'll eat wild berries when they are ripe. If you like to go out wild berry picking, be extra careful, make lots of noise and keep children near you at all times.

In the fall, bears are often found in whitebark pine stands eating pine nuts. Sometimes a bear will dig around a tree to try to locate a squirrels cache of nuts. Bears also dig for roots in mid-elevation meadows, especially in years when there are fewer pine nuts.

BE AWARE OF RECENT GRIZZLY BEAR ACTIVITY

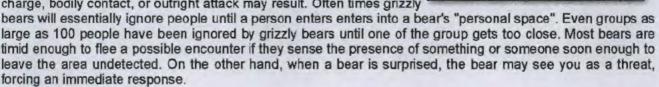
Always check with park officials, rangers, or other authorities regarding the area you intend to travel for possible bear activity. Always make sure others know where you are going to be in the back country. Learn to identity the signs of bear activity and avoid using these areas. Typical signs of grizzly bear use include; fresh tracks(a grizzlies claw marks extend farther away from pads than black bears), scat greater than 2 inches in diameter (most likely a grizzly's), areas where the ground may be tore up from bears scavenging, and partially consumed or buried animal carcasses.

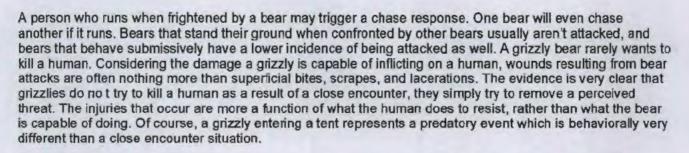
BEAR BEHAVIOR

Bears seem to experience moods much like we do; they can be shy, curious, pushy, or aggressive, and can possess other attributes that we can identity as humanlike. Each time you get close to a bear, you encounter a specific individual that may behave differently from any other individual you have ever met before or will ever meet again.

Grizzly attack victims are often not aware of why they were attacked. Many attacks are caused by close encounters, where the bear has been surprised and feels threatened by human presence. A female with cubs will be especially aggressive and will defend her cubs from any possible threat. Many attacks can be avoided if the bear sees a way out of the situation.

Bears are basically solitary animals. Each has its zone of danger, or personal space, which varies from animal to animal. If something or someone penetrates this zone, a response in the form of a bluff charge, bodily contact, or outright attack may result. Often times grizzly





Young grizzlies can pose another danger. Often these bears have just left their mother and rank low on the hierarchical scale. Larger, more dominant bears often push these juveniles into marginal habitat. To survive, young bears do alot of exploring. If these bears start using campgrounds as foraging areas, they may quickly become dangerous to people camping in them. In extremely rare instances, young grizzlies will even key onto people as potential prey.

Black bears seem to rely more on sheer bluffing than on charging and mauling. Those rare instances in which a black bear presses an attack can probably be grouped into two categories: First, a female protecting her cubs, particularly if she is also habituated and food-conditioned; or second, a bear that has no experience with humans and may regard them as possible prey.

BODY LANGUAGE OF BEARS



A bear that stands on its hind feet is usually just trying to get a better look and smell by sniffing the air. This is not an aggressive posture in of itself. It simply means that the bear is unsure of what is in front of him, but still could drop on all fours and charge.

A bear that swings its head from side to side, or turns sideways from you, is expressing a reluctance to charge and is looking for a way out of the situation.

If a bear looks you in the eyes directly and has its ears back, it's warning that you are too close and feels threatened. A bear may also make barking, woofing or moaning sounds to indicate this.

If a bear "pops" its jaws, it is very agitated and most often will charge. Charges are often a test to resolve a situation and are often "bluff charges" where the bear stops short of you, veers

off and runs right past you. A bear might bluff charge many times before leaving. A bear may also bluff charge a few times and then come at you at a different angle.

A bear that does charge, and knocks you down, is attempting to remove a threat. The bear will use as much force as it believes is necessary to remove that threat.

A bear can instantly reach speeds of 30 to 35 miles per hour in a matter of a split second. Never try to outrun a bear, it will only make matters worse.

BEAR ENCOUNTERS ON THE TRAIL

- Stop, stay calm and quiet, and make no sudden moves.
- Break eye contact do not stare in the bear's eyes, as this is a sign of aggression.
- Stand your ground do not turn your back on the bear sometimes a bear will bluff charge several times. Have your UDAP Bear Deterrent Pepper Spray ready, but do not spray unless you are sure the bear is close enough to spray in the face.
- Look for signs of agitation and aggression When a bear is standing on its
 hind legs, it is usually just trying to get a better look and smell of you. When
 a bear is upset it may have it's ears back- it may lower it's head and swing it
 from side to side- it may paw at the ground- it may make huffing or woofing noises- it may snap it's teeth- or
 not show any signs at all, and just drop and charge with no warning.
- Back away slowly, speaking in a calming, monotone voice you want to show the bear that you are being submissive and want to get out of "It's" territory. Do not turn your back and always have your Pepper Power ready.
- If the bear comes at you spray the UDAP Bear Deterrent Pepper Spray aiming for the bear's face or spray a fog out that the bear has to run through to get to you.

Being close to a sow with cubs is always a dangerous situation.

- . Keep a cool head Try to stay calm, do not yell or scream.
- Some bears, even grizzlies, will climb trees after you. Also a grizzly can reach 10 feet up a tree while standing on the ground.
- Right before a grizzly bear makes contact in a surprise attack at close range (and you don't have pepper spray), roll into a ball or lie face down, try to protect your neck an face, and pray. Don't stick your arm out, kick, scream, or fight. Try to protect the vulnerable parts of your body while remaining as still as possible, this will actively be helping the bear remove the



perceived threat. Surprising a territorial male bear or a sow with cubs will almost always be a threatening situation.

- Some bears, mostly young bears unfamiliar with the dangers of human contact, have been known to
 actually stalk humans. If you believe this is the situation you are in, and have not just surprised the bear, it is
 recommended that you defend yourself aggressively.
- If the bear mauls you continuously, despite yourself being passive, you may have to fight back. Try using any available weapon - a knife, rock, fist - and concentrate on hitting the bear's head, eyes and nostrils.

BEAR ENCOUNTERS IN CAMP

The situation of a bear that enters your camp is to be handled differently than a bear surprised on the trail. They might not have any fear of humans and have probably become used to eating human food and garbage. These bears are dangerous, and are no longer fearful of being in close proximity to humans. Make sure that you store your food properly. A bear that finds no food in camp is more likely to become disinterested and move on to better pickings.

Try to remain calm, avoid making direct eye contact and speak softly to the bear. If the bear is within 10 to 15 feet, spray the bear with your UDAP Bear Deterrent Pepper Spray. If it is safe to do so, try slowly backing out of the area while looking for suitable trees to climb. Make sure you have enough time to climb a tree before attempting it. Make sure you can be up the tree at least 14 feet before the bear reaches you. Climb as high as you can and stay there until the bear is gone. Be aware that some grizzlies can climb trees and all black bears can.

If you are attacked by a bear in camp, it may be a predatory attack or could also just be a bear seeing your camp as it's food source. The bear may have made a conscious choice to attack you, or may see you as a threat to it's food supply. Playing dead may not work depending on the situation. Spray the bear with your UDAP Bear Deterrent Pepper Spray. Fight the attack by punching, slapping or using any object available as a weapon. Try to evade the bear by climbing up a tree or onto a boulder.

Sleep in tents large enough to stack gear between you and the tent wall. If a bear gets within 10 to 15 feet of your tent, or attempts to enter it, spray the bear with your UDAP Bear Deterrent Pepper Spray and fight back. Report the incident as soon as possible, even if the bear simply walks through the camp. We do not recommend that you remain in that particular campsite another night.



BEAR



SPRAY

IF A BEAR COMES INTO YOUR CAMP AT NIGHT



Get your UDAP Bear Deterrent Spray ready, and then, look out of the tent and check out the bear with your flash light. First, make sure it's a bear, not one of your hiking partners or other harmless animal wandering in the night.

If you can identify it as a black bear, the situation is usually not as serious as a grizzly coming into camp. Spray the bear if it is within 10 to 15 feet with your UDAP Bear Deterrent Pepper Spray. This will not permanently harm the bear but will let it know that it is an unwelcome guest and it will probably not return. If you have time to get to your escape tree, do it, but don't leave the tent if you aren't sure you have time. If the bear (black or grizzly) is hanging around the cooking area because of the food smell, make lots of noise and try to scare the bear away.

IF A BEAR COMES INTO YOUR TENT

This is the worst possible situation. It very rarely happens, but there are a few documented cases. At night attack usually comes from a predatory bear. If you act like prey, you become prey.

Once more, don't panic, run, or scream, but don't remain calm. Instead, fight back with everything you have. Don't lie still in your sleeping bag. Don't play dead. Use the UDAP Bear Deterrent Pepper Spray. Make loud metallic noise. Use an air horn. Shine lights in the bears eyes. Temporarily blind the bear with the flash of your camera. Use any deterrent you brought with you. Unload on the bear with everything you have. Anything goes. Use whatever physical resistance you can.

WHAT CAUSES A BEAR TO ATTACK?

Bears attack other bears, other animals, and people because they have genetically programmed types of aggressive behaviors that pertain to population regulation, survival defense, and predatory aggression. This doesn't mean that there aren't other factors involved in some attacks, or that people don't contribute to some attacks.

Though we have established the fact that bears are unpredictable, there are four situations that are most likely to cause a bear to attack. By knowing what they are we can work to avoid getting into these types of situations.

Kevin Frey - Grizzly Bear Management Specialist, Yellowstone Ecosystem - Montana Fish Wildlife & Parks

James Gore - National Grizzly Bear Habitat Coordinator - Forest Service

Kerry A. Gunther - Bear Management Specialist - Yellowstone National Park

Peter Kummerfeldt - Owner and Chief instructor - Survival Consultant Group

Dave Lockman - Education Supervisor - Wyoming Game and Fish Department

Dave Moody - Wyoming Game and Fish Department

Chris Queen - Wyoming Game and Fish Department

BOOKS WE RECOMMEND

Self Defense for Nature Lovers by Mike Lapinski Stoneydale Press Publishing 1-800-232-7941 (\$12.95 + S&H)

Mark of the Grizzly by Scott McMillion Falcon Publishing, Inc.

Bear Attacks by Stephen Herrero Lyons & Bruford, Publishers

Bear Attacks by Kathy Etling Safari Press, Inc.

Bear Aware by Bill Schneider Falcon Publishing, Inc.

VIDEOS WE RECOMMEND

Bear Attacks

by Stoney Wolf Productions UDAP Industries 1-800-232-7941

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- 1. When a person encounters a protective sow with cubs. An average of 78% of all attacks are related to these encounters.
- 2. When a bear is surprised, or startled.
- 3. When a human gets too close to a bear's food supply.
- 4. Predatory Bear (When the bear intends to eat you).

Regardless of the situation, surprise is one of the leading causes of bear attacks. A surly solitary bear, who is startled by a hiker on a trail, may run away or aggressively confront the hiker. Most injury encounters with bears occur when the person gets within 55 yards before the bear is aware of his presence. Mark's experience changed his life. Since then, he has dedicated himself to improving a product designed to safeguard people against maulings, and to help them better coexist with wildlife. In a short time, his 225 - 260 gram UDAP Bear Deterrent Pepper Spray cans have generated numerous testimonials from grateful customers like the following: See

WHAT ABOUT HUNTING IN GRIZZLY COUNTRY?

Sportsmen, who harvest big game animals in grizzly country, should be aware that the sound of a gun shot might sound like a dinner bell to a wandering grizzly. Some hunters, tracking down their "trophy elk", can be quite surprised when they find a grizzly has beat them to it. Hunters who make a kill in grizzly country should make lots of noise as they carefully approach the carcass. They should also try to view the carcass from a distance to see if a grizzly is guarding it. The blood and gore at a kill site may attract a keen-nosed, opportunistic grizzly.

Many hunters who have killed animals and returned the next morning to pack out the meat, have been suddenly confronted by an aggressive bear who had claimed the kill overnight. If a kill site appears disturbed, but no bear is seen, it's best to back off because the bear may be lying in cover nearby. A bear on a kill may refuse to back off, even when shots are fired into the ground nearby, and many sportsmen have been forced to relinquish their harvested game animal to a protective bear guarding its food supply. Smart sportsmen who harvest big game animals in grizzly country try to pack out the meat the same day of the kill, or they carry the quartered carcass to a safe spot a few hundred yards from the bloody kill site and then hang the quarters high in a tree.

ACKNOWLEDGEMENTS

UDAP Industries, Inc. would like to thank the following for their input on "Bear Safety Tips" web page & booklet. We value your expertise.

Barrie K. Gilbert - Animal Behavior/Wildlife Management - Utah State University

Dr. Steven Herrero - Bear Behavioral Studies - University of Calgary (Author of "Bear Attacks", Lyons & Bruford - Publishers)

Ron Aasheim - Administrator, Conservation Education Division - Montana Fish Wildlife & Parks

Steven P. French, M.D. - Yellowstone Grizzly Foundation

Any and all violators will be prosecuted to the full extent of international law. You have been warned.

WILD ANIMALS ARE UNPREDICTABLE!











Order Online!

or call 1-800-232-7941 24 Hrs.

UDAP Industries

13160 Yonder Road Bozeman, MT

59718



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JORP De DDE L



Pepper Spray Information, Education and Products

Be Prepared



Testimonials Stories from Actual Encounters with Bears





The Mark Matheny Family

...it can mean the difference between

Life.....and Death



I can do all things through Christ who streng 4:13

Because of his own experience, Mark obviously put a lot of forethought into his product because he knows it can difference between life and death. Mark has studied every little detail to make his product functional and reliable.

Note: As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper PowerT against bear attacks. Please call 1-800-232-7941 for details.

All testimonials below are from UDAP Bear Deterrent EPA Reg. No. 71920-1-72007

Testimonies are in chronological order and updated as additional stories come in - Check back frequ

"The bears saw me at about the same time I saw them..."



In July 2003 while hiking in Grand Teton National Park near Bradley Lake , I sudden upon a black bear sow and two cubs. This occurred at the top of a knoll. The sow a were partially hidden in some undergrowth. The bears saw me at about the same tir them. The cubs immediately ran away and down a slight hill. The sow, which I woul at weighing about 300 lbs, growled and ran toward me. She stopped about 10 feet ϵ lowered her head, and began swing it from side.

I was carrying trekking poles, and threw them down in front of her as a distraction. backed away. She stepped over the poles and followed me for several yards. She c to follow me for several more yards as I backed away (about 50 yards in all). At this brought out my container of UDAP and fired a short burst at her face. This was from feet. The sow shook her head and seemed distracted. I immediately put more dista between us. When I turned around, she was gone.

I am very glad I was carrying a container of UDAP that morning. I believe it saved physical harm as well as several other hikers who were not carrying any protection.

to know that your product worked very well. Thanks again and be assured that I will always carry UDAP when I a bear country and will tell others to do the same.

Cordially, Garry Lineback

Garry Lineback

"When I looked up, there was a sow grizzly charging hard..."



Ben Macht

Thanks UDAP, you saved me! I was mountain biking up Tepee Creek j Yellowstone Park when I had a run in with a sow and two cubs. I was a the ridge between Tepee and Buffalo Horn, when I heard a repeating gr sound. When I looked up, there was a sow grizzly charging hard at abo with two yearling cubs at her heals. I jumped off my bike, and went for a spray in my Camelback. Thank god, she bluffed me once. She came w stride of me and started to loop around before I could even get my hand spray. She made about a 30-foot loop, which gave me just enough time spray and have it ready. When she came back at me, I let her have it in at about 10 feet. She stopped dead in her tracks, turned, and ran. I am sure I wouldn't be writing this to you if it weren't for your spray.

Thanks again, you have a great product! - Ben Macht

"...pressed on the bear spray can for 2 seconds..."



I went canoeing with some friends in the Adirondacks in New York. It w remote area, which was recently opened to the public.

At first, my friends thought I was ridiculous for bringing UDAP bear sprathem we would definitely see some black bears and it turned out to be the One night, I went to the tent early and was awakened by one of my frient yelled, we have a bear in our camp. I thought it was a joke at first and the for a few minutes.

After a short period of time, the other friend started to yell, "Get out of he and was banging a cooking pot with a stick. The bear had two cubs with was very aggressive. She was snarling and growling at us while we mad She charged us a couple of times coming within about 5ft of us. She wa

to let us get in her way. I bolted out of my tent with a 260-gram can of UDAP bear spray and approached the bear was a big female, approximately 325 pounds or so, and had climbed the tree, tore down our food bags and had o claws and jaws.

We got within 25 feet and just pressed on the bear spray can for 2 seconds. The pepper spray shot out 30 feet, I the face and she immediately took off running in the opposite direction. Needless to say, the entire group, includiour kids, all wished they had brought a can of bear spray. The bear had even left her cubs in a near by tree for th and when she did come back for them, she definitely stayed out of the perimeter of our camp, not wanting to be s again. Once she got her cubs to come to her, we never saw her again.

We are headed to the Larnar Valley in Yellowstone National Park this August and we all are carrying the large ca our hip. Thanks for the great product!

Best regards. Steve Tuzik

Click Here to see the Bear Spray setup Steve used!

UDAP bear spray showed me results...



Casey & Brutus

Over the last 10 years, I have had the rare and unique opportunity to work up personal with some of the world's most dangerous animals. The jobs have ra being a wildlife rehabilitator to an animal trainer, where everyday required wor or near very unpredictable creatures. I have worked with 100's of bears, both captive, and can honestly say that bears have charged me over 30 times. Behas become a necessity, a piece of equipment that I depend on for life and de situations.

I have used several products; some working more effectively than others but I spray showed me the results that gave me a peace of mind. Over the years, c charge, I have watched UDAP stop bears like a brick wall, saving my life seve When the spray is deployed the bear stops dead in their tracks wanting nothin than to go the opposite direction as fast as it physically can. UDAP is the ultim safety for dealing with these unique and dangerous situations

When it comes to choosing a right hand man, the only product that I can say has worked with results I depend on the time is UDAP bear spray EPA Reg. No. 71920-1-72007.

CASEY ANDERSON President, Montana Grizzly Encounter



She was thirty feet away and in full charge as we came to the edge of the a cub on both sides and another behind, the earth was flying as she closed distance. I ran ten feet to my friend while I yelled "We've got a grizzly! She Don't run! Hit the deck!" As I landed and grabbed my fanny pack around m she grabbed my calf in her mouth and shook. I was fumbling for the peppe my belt, wondering if I should be just staying still. When she shook me, I y That brought my friend Nils up on to his knees, which distracted the bear of She ran ten feet to check on her cubs, then turned and charged Nils. He n-UDAP Pepper PowerTM Pepper Spray out and ready. He fell back to his: and waited until the head-on charge closed to five feet. Propped up on his let her have it right in the face. GONE, DONE, NEVER SEEN AGAIN! The

stopped the charging female grizzly on a dime and sent her away for good. Nils called out to me, "I got her Tom, : CLICK FOR FULL STORY & PICTURES her good!"

Nils and I want to thank Mark and UDAP for saving both our lives. My family and Nils' wife and daughters think ye

pretty cool too. Thank you for producing a quality product. Thank you also for contacting me in the hospital to lend support. It meant a lot to me.

Thanks again, Tom Crosson, Nils Wygant Order Or



"I trusted my life with UDAP Pepper PowerTM and it saved us!"

Thanks - Dave Wood

"If not for the help of a friend and your UDAP Pepper PowerTM I probably wot here today."

The sun had just set over the tall peaks of the Madison range when a large sov and her two almost fully grown cubs came running for what they thought was dinner. It my long time hunting partner and I, had been archery hunting all day without much such were watching the sunset and proceeded to violate one of our "Golden Rules" in that we some elk calling when we weren't totally ready to hunt.

The bears where ready to hunt and did so with a ferocity and speed that is almost incomprehensible. At file heard the noise of something running at us at about forty miles an hour and only saw the three of them in the last yards of their charge as they broke into the small opening we were in. I had jumped to my feet and was facing the they were a charging bull elk. I was crouched pulling an arrow from the bow quiver when I realized we were in tro Before I could draw my gun the sow had taken her first bite of my left leg and broken my fibula. In less than six se proceeded to bite my leg, my thigh, my arm and ultimately my head. With the first bite, I made a decision to fight I than play dead and kept trying to get my gun out of its holster. I had also called out to Dave to help me. He had a been closer to the bears when they appeared but was already lying on the ground and they went right over the to get to me. Finally as the sow was biting my head Dave jumped up armed with UDAP, he charged the mother Griz was now facing him. She took the full force of the spray from less than ten yards whirling so fast that at first Dave sure he hit her. The effect of the spray was fast and effective as she and the cubs left and didn't return.

If not for the unselfish and quick response from Dave and the supreme effectiveness of UDAP, my encou that bear may have been my last act. Dave and I have hunted elk in Grizzly country for many years together and had other less close encounters with them. In addition to coming across other hunters in the woods who have been we have had several encounters when the bears have told us in no uncertain terms to leave their area. We alway prepared and have carried side arms in addition to UDAP since its inception. However, until this encounter, I thin thought our first line of defense would be a gun. Now, we both feel that we wouldn't be out in the woods without & Pepper PowerTM and as for me it will be in a chest harness with UDAP's unique shoot from the holster design.

Thanks for making a product that really works and saves lives both human and animal.

Sincerely, Steven Chamberlain M.D.

"Bad bear; go home!"



Dear Mark,

As a recent survivor of a close encounter with a brown bear, I believe I owe you a testimon

During the first day of silver salmon fishing in Yakitat, Alaska, our party heard several storic

"large" brown bear chasing fisherman. Sadly, after being chased, one unfortunate fisherman made it back to his vidie of a heart attack.

The next day was our turn. The bear came out on a bar on the Situk River, but ten or so fisherman, several in a b dissuaded him from frightening them out of their fish. So, the bear waded up the river to where our party of four viminutes before. Smelling the fish we carried, the bear climbed the bank and loped up the wet and narrow trail we for 100 yards or so through the thick brush. As the only (black) bear hunter in the group, I had little fear of "wild" b great fear of "friendly" bears. Therefore, I carried the only can of *UDAP Pepper PowerTM* Bear Deterrent availab Lodge.



Sheldon Smith & Friends

Just before we came to an opening on the trail, the bear closed in on the in our party. At that point, I took a position behind my friend, let the bear about 15 feet, and while asserting "Bad bear; go home!" hit the trigger. T relief, the Bear turned "inside out" reversing course and disappearing int brush. At that point, we beat a hasty retreat back to our van.

Count on us as Life-long converts to UDAP Pepper PowerTM products.

Appreciatively, Sheldon Smith

"...superior to a firearm in several ways..."



I had the opportunity to use your product (225g canister) against an aggressive black bear in 'last summer. Though it is impossible to know what would have happened without your UDAI PowerTM bear spray, I believe that having it on hand saved my life. Here's what happened:

I awoke to the sound of breaking branches and claws on tree bark on our first night of a John through-hike. I woke my friend and we ran over to our counter-balanced food bags and, sure there was a medium-sized, 200 lb. bear sitting on the tree limb pulling up our food bags using hanging rope. Yosemite bears are notoriously clever! We tried everything we could to scare t

out of the tree including shining our flashlights, throwing rocks and yelling at the top of our lungs.

Getting frustrated and losing our food fast - this bear actually bit through and ate a can of chili - I instead hit the fc with a rock, knocking them out of the tree. Bad idea! (You know what they say about getting between a bear and

The bear hissed and ran down the tree, charging at us the moment he hit the ground. When I pressed the canistrage cloud of *UDAP Pepper PowerTM* bear spray washed over the shout of the charging bear at about 6-8 feet turned back instantly, regrouped by the tree and charged again. I sprayed him again, this time at maybe 15-20 fe stopped him once again. The bear left the area at which point we collected our food and returned to camp.

Again, thanks for your product. I think it is superior to a firearm in several ways. First, it works! Pepper spray is a enough to thwart large bears. Second, it is difficult to miss your target. Third, it is very lightweight compared to a Fourth, no permanent harm is done to the bear. In fact, some fear of humans may be restored to aggressive bear in areas like Yosemite, which do not allow hunting, and have tremendous problems with human-food habituated to rangers should consider requiring all hikers to carry pepper spray.

Thanks again,

Scott Yang

Order Or

"...but luckily for us he stepped up and sprayed..."

Kodiak Island Adventure

She got within 15-20 feet and stopped briefly to snarl, snort and bounce upon an alder that was separating her from us. At this point I attempted to light my flare as a last defense. It was a dud, maybe I was just too nervous and fidgety, but I'd like to think it was the latter. There was no time to reach for another so I stood poised with my machete. The only thoughts going through my head were "I wonder what this is going to feel like." At this point fear wasn't even an option, the adrenaline had induced a slow motion type of analysis and curiosity. The sow bounced on the alder a few times and made her final charge toward us. I had completely forgotten about Todd, and his bear spray, but luckily for us he stepped up and sprayed... CLICK FOR FULL STORY



Richard Romano and the can that stopped the attack.

"...The bear went straight up into the air and fell over backwards..."

On September 1, 2000, at 2 o'clock in the afternoon, I was riding my big buckskin horse near Daly Creek In Yellowstone National Park. It was a cold and rainy late summer day. I rode for about two hours, stopping every once and a while to glass the area for game. I decided to stop for lunch, and as I was riding down to a spot near the creek, I looked over the area really good. I hobbled my horse and sat down against a tree. I was halfway through my sandwich when my horse started snorting. Since I raised this horse, I knew his mannerisms and recognized that something was wrong. I caught a glimpse of movement on my left and when I turned my head, staring at me from four feet away was a big grizzly bear. I knew I wasn't going to sit there and die. I started to get up, but the heel of my shoe snagged on my rain pants and I fell forward towards the bear. What happened next was fast and furious. The grizzly bear grabbed my shirt with his teeth and ripped it apart. As I began to stand up the bear hit me with his paw right in the chest, slamming me face first into a tree, cutting my face and breaking my glasses.

Lying there on my back, I grabbed my **UDAP Pepper PowerTM** bear spray. By this time, the bear was standing over me with his mouth wide open ready to take a bite out of me. I shoved the can in his mouth and pushed the trigger, sending a blast of hot spray down the bear's throat. The bear went straight up into the air and fell over backwards coughing and choking. There's no doubt if I hadn't had the pepper spray produced by **UDAP**, I wouldn't be here. Thanks for making a life-saving product.



Doug and JoAnn

MacCartney

"...all three of us let loose with our bear spray which stopped her cold."

On August 13, 2000, we were hiking in Pelican Valley within Yellowstone National Park, an area known for heavy bear activity. We were on our way ou when we heard some crashing timber ahead of us. I spofted a sow grizzly bea with three cubs about 100 yards away. She noticed us at about the same time raised slightly, then charged with the cubs following her. My wife and anothe woman hiking with us positioned themselves on either side of me and slightly behind. When the sow was about 35 feet away I shot a short burst of UDAF Pepper PowerTM bear spray at the charging grizzly. The sow hesitated momentarily then advanced. At 10 feet all three of us let loose with our bea spray which stopped her cold. She then made a hasty retreat. We are very glad we had your Pepper PowerTM with us - we don't want to think what might have happened without it. Thanks!

Doug and JoAnn MacCartney, Yellowstone National Park Employees, Gardner, Montana

Fred R. Woods,

Executive Producer, Northwest Hunter Television Program

"The fog acted like a brick wall..."

We were only about 20 feet from the tent when I heard the cubs squall and scamper away. Suddenly, I heard popping teeth and a deep "Woof" from the other side of the tent. Out from behind the tent charged a very upset bear heading in our direction. I was leading the group and to our luck was carrying your bear spray on my belt. I carried the canister such that I could flip off the safety and fire without having to remove it from the holster. This can of bear deterrent had been with me for three years and had never been fired, until now. A fog of the pepper spray zipped out towards a point somewhere between the bear and me. The fog acted like a brick wall — as the bear hit the fog she stopped dead, turned inside out and sped away like a scolded dog.

My camp partners stared in disbelief. Our rifles were slung on our shoulders and we were not prepared to shoot a bear. We had just avoided an ugly incident, and probably days in the hospital or even worse. My partners vowed never to go into bear country again without a can of *UDAP Pepper PowerTM* on their belts. Thanks for a great safety product!

Thanks,



Eric Burge

The day after his Grizzly encounter

"All three bears charged me from about 40 yards out..."

On October 6, 1999, while bowhunting in SW Montana, I startled 3 large grizzlies, a sow and two nearly mature cubs. All three bears charged me from about 40 yards out, closing the distance between us to less than 10 yards in little more than a second. The leading sow continued her charge, head down, ears back, without breaking stride while the two others hung up slightly behind her. I was carrying the 260 gram size of UDAP Bear spray on my right hip with the hood off and stowed as recommended in your literature. I blasted a cloud out between us as quickly as I could. Although by this time she was only 20 feet away, a cross breeze dissipated the oily, orange mist. I let her have it again at 10-12 feet and discharged a final burst at 7-8 feet. The last burst nailed her square in the face and she stopped cold. The angry bear then popped her jowls, shook her massive head about and bolted over the rise from which I had just approached. The two others followed right on her heels. Although the sow was fiercely determined to attack me, I was able to effectively fend her off with no permanent injury to either of us.

When I first moved to grizzly country I carried a .357 magnum loaded with 180 grain cast core hunting rounds for backcountry safety. I decided to switch to UDAP pepper spray after reading numerous personal testimonies on your web site and I'm glad I did. Even though I carry the largest can currently available, it's still a weight savings of well over 2 pounds compared to my heavy pistol. It's non lethal which supports my own personal ethics as well as faster and easier to deploy than a firearm, especially under extreme duress. When not in the field my new found guardian now lives on my night stand for personal home security. I sleep very well indeed.

Thanks for creating such a valuable and ecologically conscious product. Your efforts are truly saving lives,

and not just human!

Eric Burge, Bozeman, MT

Click to go back to order page

"...the sow came straight for my ladder stand."

August 30, 1999 was the first day for hunting black bear over bait, in Maine. Early afternoon I replenished the bait and by four o'clock I was up in my tree stand. Sometime after six P.M. a sow and three small cubs arrived. While the cubs went for the bait, the sow came straight for my ladder stand. She carefully smelled the three lower steps then went on to smell my footprints for ten yards down the trail, came back and repeated the same act once more. She then went to the barrel of bait and started feeding. A short time later the sow suddenly stopped eating and stared intensely in a different direction. She then turned toward her cubs and, in a flash, they climbed up a large tree. Almost behind me, I saw a large bear coming under my stand, thinking that I was going to take this one, using a long-bow, he had to be farther away at a less steeper angle for a shot, that did not happen. The defensive mother bear, in a second, was on top of the larger bear, a commotion that was happening just twelve feet below me. The intruding bear left. The sow turned back towards the bait and decided to sit, then lie down halfway between my tree stand and the bait, apparently settling down and guarding it, maybe for the night. The cubs were not coming down from up the tree and it was starting to get dark. I did not really want to spend the night in the stand. I talked to her but all she did was just look up at me and did not show any signs of wanting to leave. Being unsure of what she might do if I came down, possibly the same thing she did to the other bear, made me decide to use the Pepper PowerTM Spray. When that orange and strong smelling fog hit her, she took off instantly, and very fast, twenty five yards from my stand and stayed there because her cubs were still up the tree. At that point I decided it was time to try leaving, which I did with no problem. I kept watching the sow, and she was doing the same to me until we were far enough apart. Thank God and thank you for Pepper PowerTM. I will always carry this very effective product whenever I am in the woods again. - Sylvio Saucier

UDAP Pepper PowerTM and a .44 magnum pistol

My buddy, Cory Nuss, and I were hiking in the wilderness area near the East Entrance of Yellowstone National Park. We had been backpacking for three days and were making our way back to the Elks Fork Trailhead where our vehicle was parked. At 11:00 A.M. we ran into a sow grizzly with two very large cubs. We saw the cubs just as we broke into a small clearing. They were about 40 yards away. The cubs immediately ran away. As they were running away, the sow stood up to get a better look at us. When she saw us, she dropped down on all fours and charged. I usually carry both the magnum *UDAP Pepper PowerTM* and a .44 magnum pistol. Cory did not have either one, so he carried my bear spray, just in case. The sow was 10 feet away when Cory Sprayed her. She immediately hit the brakes and wheeled away. I was just about to shoot her when Cory Sprayed her. There is no doubt in my mind that the bear spray saved the bear from being shot, and prevented serious injury or worse to Cory and myself. I am a true believer in your product. I spend many days a year hiking and hunting in grizzly country and I no longer go anywhere without your product. Also several of my friends have invested in a can of *UDAP bear spray*. Thanks for such a great product. — Jeff Buckingham



Peppered Grizzly Stopped in Tracks

I caught it [the bear] full in the face when it was 4 feet away, Clutter said. It was like it hit a wall. The grizzly turned and ran so fast toward her cub she ran right over it. Then, cub and sow were gone. ... This worked exactly the way it was designed to work, Clutter said. The bears didn't die. All I'm out is a can of pepper spray. I'm convinced pepper spray is the way

to go, even for gun hunters. Your chance is much better with spray - which can spread out 15 feet wide from 20 feet away - than with a bullet the size of a pen. The odds are better. - Gary Clutter, guide and big game hunter in a recent article. Bozeman Daily Chronicle by Joan Haines

...(grizzly) close enough for me to see his eye lashes.

In Alaska, I was guiding for a lodge out of Iliamna, I was absorbed in my task and carelessly forgot where I was. After a few seconds I smelled him. The large boar sat close enough for me to see his eye lashes. First I shouted "Hey bear!" and "Git!". After these first few futile attempts I knew he wasn't going to back down. He wanted my fishy/bacon smelling lunch pack! He and I both knew that my 140 lbs. Wasn't going to stop him either. So, talking to him the whole while, I pulled out my *UDAP* and let 'er rip. Ol' griz never knew what hit him. He stood upright, for a moment and I thought I was dead. He turned tail and ran to the water. Pawing his face and nose the whole way. He dunked his head in the river again and again, and then watched the group from a comfortable distance (for both parties) for the rest of the day. I don't know if that old bear would have hurt me or not, but for his sake and mine I'm glad I used my *UDAP* bear spray. From now on if I'm traveling in the back country so is my *UDAP*.— Kurt Dehmer

The Right Stuff for professionals

The Teton Park rangers, Yellowstone National Park crews, Glacier National Park rangers - to mention a few - all pack Mark's bear spray. — The Right Stuff -

... I knew she (the grizzly sow) wasn't stopping

It was opening day of archery elk season. My uncle and I were hunting in Northwestern Wyoming. The grizzly sow was protecting her cubs about 15 yards away, when she suddenly came at me. I hoped she would stop, but at 15 feet, I knew she wasn't stopping, so I sprayed my bear spray at her. She shook her head and ran back up to her cubs, shook her head again, and then disappeared into the brush. I know my can of UDAP Pepper PowerTM saved me from, at the very least, a bad mauling, if not my uncle's and my own life. Thanks to Mark Matheny and UDAP Industries, Inc. for a fine product. I wouldn't trust my life to anything else! — Thank you and God bless, David Nyreen

Outfitter...survived two charges by grizzly bear

Nate Vance's Checklist for hunters reads, INSTEAD of carrying a handgun for Bear protection, I STRONGLY URGE ALL HUNTERS TO CARRY BEAR PEPPER SPRAY!!!!!!!!!!!!!!!!! Bear spray works, I can attest to that fact!! I HAVE SURVIVED TWO CHARGES BY A GRIZZLY BEAR, both times using UDAP Pepper Spray. I would urge you to invest in Pepper Spray and a [holster]. I have used the brand, UDAP Pepper PowerTM made by UDAP - Universal Defense Alternative Products. And have not had it fail me yet! I can tell you from first hand experience, you are more likely to save yourself in a defensive situation with Bear Spray than a firearm!! — Nate Vance, Outfitter

Bear Pepper sprays...the hottest pieces of back country gear

Bear Pepper sprays have become the hottest pieces of back country gear, in part because of Matheny's non-stop crusading. — Todd Wilkinson, *Too Close and Encounter*



MORE TESTIMONIALS FOR THE SKEPTICAL

... fourteen feet, ears laid back in attack mode.

Rex [Rogers] had told me earlier that, in ten years of hunting the Gallatin National Forest of Montana, they had never run into a grizzly, but he and Dick [Frederickson] still carried your pepper spray [UDAP Pepper PowerTM]. They had carried a less potent brand until they had a run-in with a stray dog, which it barely phased. I take it this is what prompted them to switch to UDAP Pepper PowerTM. After weighing the price of the spray compared to the chance of being attacked, Rex's words finally persuaded me into buying a 15 ounce can with holster. We were off to our bow hunting camp. About 6:15 a.m. the next morning, I finally made it up to the ridge I was planning to hunt...As I closed in on top of the meadow, I knew I was only going to be thirty yards away from what could be my lucky elk. Peaking over the crown, my eyes focused on something I wasn't prepared for, a sow grizzly with her two cubs... At that point, sixty yards away, I knew I was in the wrong spot at the wrong time. In a split second, she woofed and was on a mad dash directly at me. Knowing I was over one hundred yards from a tree, I drew my pistol and the spray. By this time, she was at thirty yards, still going full bore. Hoping she was bluffing, I stood dead still. I knew I couldn't get a good enough shot to stop her in her tracks. On the other hand, what if I let her get close enough to spray, and it wouldn't phase her? By this time, she was fourteen feet, ears laid back in attack mode. Fighting reflexes, I squeezed the spray. The instant that fog hit her nose, she pivoted on a dime and was gone. Keep in mind, I am not a person whose thoughts are easily swayed. One thing is for sure, had I not been packing UDAP Pepper PowerTM, I would have been mauled or possibly killed. - Russ (Eric) Leach

A snapped twig announced the presence of a charging sow grizzly...

I am a sheep and elk guide, in northwest Wyoming and with my experiences in the wilderness and around grizzly bears, I had to write to tell you how truly impressed I am with your pepper spray. Sheep hunting with a client, we headed above timber line, just before we broke out of the timber we stopped for a rest. A snapped twig announced the presence of a charging sow grizzly and three cubs. The hunter immediately grabbed for his pepper spray, and shot the bear with (UDAP) at ten feet, the bear spun and ran off. Anyone who believes Bears like the taste of pepper spray, sure need to see this!! -- Patrick Poppe, Wind River Outfitters, Dubois, WY

...powerful enough to stop King Kong!

I've shot bears with this volatile bear deterrent spray [from **UDAP**], and believe me, it is powerful enough to stop King Kong! Many guides and wardens in Alaska prefer to use pepper spray instead of a firearm, because they've learned that the shotgun pattern blasted out by pepper spray stops a charging bear more surely than a bullet. This stuff works. I should know. I was photographing a bear last spring in Montana when the bear suddenly turned and began advancing toward me. Fortunately, I had a large can of **UDAP Pepper PowerTM** spray in a holster on my hip. When the bear was 50 feet away, it made a false charge. I hit it with a blast of red hot cayenne pepper that instantly enveloped the bear in an orange fog. The bear immediately stopped and began pawing at its face coughing and wheezing, the bruin slowly stumbled into the forest. — Mike Lapinski, Bowhunter Magazine

...Bear pepper spray is more effective in deterring a grizzly attack than a gun.

As the bear charged, the man fell back and the grizzly bit his leg, Gocke said. The hunter was carrying a loaded rifle on his shoulder and pepper spray on his belt, and was able to spray the animal in the face, which immediately caused it to run away. According to Game and Fish predator biologist, Dave Moody, the incident reinforces that pepper spray is more effective in deterring a grizzly attack than a gun. The fact that the bear was in the process of biting this guy, and it broke off the attack when it was sprayed just further reinforces the effectiveness of pepper spray in my opinion, Moody said, noting that in most incidents where grizzlies are shot in the process of an attack, the person is most often mauled anyway. — David Simpson, Pepper Spray makes grizzly run away, Jackson Hole

The bear skidded to a halt..."

The bear was only a few yards away when French fired the spray directly into its face. The bear skidded to a halt - so close French's legs were showered with dirt - then it turned and ran. — Anthony Acerrano, Fall Bear Attacks, Men's Journal

....Bear pepper spray...the first line of defense in a bear encounter.

The bottom line is that too many bears are dying as a result of conflicts with humans. The truth is, guns have not proven very effective against repelling grizzly bears from attack, and we usually end up with a dead bear, and often, a mauled hunter. Officials from the WY Fish and Game Department and MT Department of Fish, Wildlife and Parks all recommend that hunters and other people in grizzly country use pepper spray as the first line of defense in a bear encounter. Dave Moody of WY Fish and Game Department said that in dozens of cases in the last 15 years, only once has a grizzly bear continued through pepper spray to attack the sprayer [through 1997], while noting that in the majority of cases in which a bear is shot, the shooter is still reached by the bear. For the most part, I think [pistols] are totally useless in a bear attack, Moody told the Casper Star Tribune last fall. — Tim Stevens, Grizzly Mortality: Alarming and Avoidable, Greater Yellowstone Report 1997

For human attack testimonies click











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UDAP Industries

13160 Yonder Road Bozeman, MT



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IRB BRANCH REVIEW - TSS

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DOCT NAME (S) BEARGUARD / PEPPER POWER	
MANY NAME Universal Defense Alternative Products	
EMISSION PURPOSE Label and labeling amendments, product name change	
	_
EMICAL & FORULATION Capsaigin and related capsaicinoids aerosol	

Efficacy Review: BEARGUARD™, 72007-1

Universal Defense Alternative Products (UDAP)

Bozeman, MT 59718

200.0 INTRODUCTION

ITEMS DISCUSSED IN THIS REVIEW MAY BE OF A PROPRIETARY NATURE. DO NOT DISCLOSE CONFIDENTIAL BUSINESS INFORMATION (CBI) TO ANYONE OTHER THAN EPA EMPLOYEES WITH APPROPRIATE CLEARANCES.

200.1 Uses

2.0% "Capsaicin and related capsaicinoids*" aerosol product Federally registered "to deter bears which are attacking or appear likely to attack humans".

200.2 Background Information

See efficacy reviews of 1/25/99, 3/9/99, 3/16/99, 12/27/99, 9/5/00, and 3/25/03. This product was registered on 3/18/99 to Guardian Products of Phoenix, AZ. No revised labels or label components have been accepted subsequently, despite considerable evidence and many discussions of unaccepted and unacceptable supplemental labeling used by UDAP when it sold the product under a distributor number (71920-1-72007). The registration for this product was formally transferred to UDAP on 3/6/03.

See also 1/24/00, 3/30/00, and 9/14/00 reviews of inquiries (data package D261874, CORR.# 292749, and CORR.# 293305) respectively) regarding promotional statements being made for UDAP Pepper Power, which was a sub-registration ("distributor product") of 71920-1 when those reviews were conducted. In those reviews, I found highly objectionable certain promotional statements that appeared on various elements of UDAP's labeling, some of which were never submitted for 71920-1.

See also the memorandum of 2/12/03 from Daniel Peacock of IRB to Timothy Osag of EPA Region 8 in Denver, CO, regarding labeling recently used for 71920-1-72007. That memorandum evidently was precipitated by the collection of additional labeling which led to further enforcement actions.

This review addresses the following components of UDAP's submission of 6/26/03:

- an amendment form dated 6/26/03;
- a letter (dated "June 24, 2003" and signed by Mark Matheny, UDAP's President)
 which includes a request to change the name of the product to "UDAP Pepper
 Power Bear Deterrent";
- 3. a proposed canister label for 72007-1 as "Pepper Power";
- 4. the only canister label ever accepted for this product (as 71920-1);
- labeling proposed for a "HOLSTER INCLUDED" clamshell package of this product as "Pepper Power";
- 6. labeling for what appears either to be part of a clamshell or a plastic-bag packaging arrangement for this product as "Pepper Power";

- 7. a list of 65 "Advertising claims for UDAP Industries Inc. Pepper Power Bear Deterrent" (the submission's "Appendix C");
- 8. a 9-page document which begins the submission's "Appendix D." and starts with the words "Testimonials Stories from Actual Encounters with Bears";
- a photocopy of a 30-page (or so) brochure entitled "UDAP INDUSTRIES BEAR SAFETY TIPS"; and
- 10. some 8 letters and memoranda which seem to refer to the aforementioned brochure and which are collectively called "Appendix F Articles of Credibility".

As this review will mainly address the validity of claims which are (or are to be) made for 72007-1, it is important to review the standards to which statements on pesticide labels and labeling are held. Under §12(a)(1)(E) it is

unlawful for any person in any State to distribute or sell to any person-- ... any pesticide which is adulterated or misbranded.

"Misbranded" is defined extensively in $\S2(q)$ of FIFRA. Part of that definition -- FIFRA, $\S2(q)(1)(A)$ -- holds that

(1) A pesticide is misbranded if--

(A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

The "any particular" portion of this definition seems to allow essentially no "wiggle room" for questionable material to appear in product "labeling" which, according to FIFRA $\S2(p)(2)$

... means all labels and all other written, printed, or graphic matter--

(A) accompanying the pesticide or device at any time; or

(B) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

40 CFR, §156.10(a)(5) breaks out 10 categories of statements and graphics which automatically would be found to be "False or misleading" if they appeared on pesticide labeling. These categories (or "Examples") are quoted below.

- "A false or misleading statement concerning the composition of the product" [40 CFR, §156.10(a)(5)(i)];
- "A false or misleading statement concerning the effectiveness of the product as a pesticide or device" [40 CFR, §156.10(a)(5)(ii)];

- "A false or misleading statement about the value of the product for purposes other than as a pesticide or device" [40 CFR, §156.10(a)(5)(iii)];
- "A false or misleading comparison with other pesticides or devices" [40 CFR, §156.10(a)(5)(iv)];
- "Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government" [40 CFR, §156.10(a)(5)(v)];
- 6. "The name of a pesticide which contains two or more principal active ingredients if the name suggests one or more but not all such principal active ingredients even though the names of the other ingredients are stated elsewhere in the labeling" [40 CFR, §156.10(a)(5)(vi)];
- 7. "A true statement used in such a way as to give a false or misleading impression to the purchaser" [40 CFR, §156.10(a)(5)(vii)];
- 8. "Label disclaimers which negate or detract from labeling statements required under the Act and these regulations" [40 CFR, §156.10(a)(5)(viii)];
- 9. "Claims as to the safety of the pesticide or its ingredients, including statements such as 'safe,' 'nonpoisonous,' 'noninjurious,' 'harmless' or 'nontoxic to humans and pets' with or without such a qualifying phrase as 'when used as directed'" [40 CFR, §156.10(a)(5)(ix)]; and
- "Non-numerical and/or comparative statements on the safety of the product, including but not limited to: (A) 'Contains all natural ingredients'; (B) 'Among the least toxic chemicals known' (C) 'Pollution approved' [40 CFR, §156.10(a)(5)(x)].

Problem statements and graphics found to be objectionable in past reviews of bear pepper spray products generally have fallen into the categories for which I have used the numbers I, 2, 4, 5, and 7. It is partly to avoid problem statements of the type in category 3 that EPA refuses to allow claims and directions pertaining to deterring human attackers to appear on labels for bear pepper sprays or anti-dog-attack spray. Anti-personnel claims are considered to be pesticidal claims because humans are specifically excluded from the regulatory definition of "Pest" at 40 CFR §152.5(a).

Note also that FIFRA's prohibition against making statements that are "false or misleading in any particular" means that false or misleading statements falling outside the 10 categories of "Examples" also would be prohibited.

In earlier reviews, I have examined many of the claims which appear on documents that are part of the submission under review. Occasionally, the "call" made with respect to whether a sentence or phrase is "false or misleading" was rather close. The conclusion that I reach in this review for any such item should be regarded as my "latest", rendering obsolete any prior conclusion pertaining to that item that was substantially different.

Products claimed to protect people from attacks by relatively large animals (e.g., bears, dogs) must be registered as pesticides. Although such a registration requirement has been in place for nearly 40 years, manufacturers sold unregistered bear pepper sprays for more than a decade before a product of this type, the "COUNTER ASSAULT"

product 55541-2, was registered in May of 1998. Prior to that time, bear pepper sprays were being sold with some knowledge and even some official winking by government agencies, most notably the Park Service (which equipped its personnel with unregistered products) and EPA (which, bowing to political interference, blunted a 1993 enforcement action initiated by an agency of Alaska's State government). UDAP had a "PEPPER POWER" product on the market during the period of illegal sales of bear pepper sprays.

Since May of 1998, EPA has taken a number of enforcement and other regulatory actions which have resulted in 5 Federal Registrations for bear pepper sprays (one of which subsequently was canceled for cause) and improvements in labeling. One problem common to these products has been the inclusion, in various commercial presentations of the products, of unreviewed elements of labeling in addition to the accepted container label. Another common problem has been the making of false and misleading statements on such unreviewed labeling and in other promotional materials (including store displays which, by accompanying pesticide products in commerce, also qualify as labeling). Such issues have been raised regarding all 4 of the bear pepper spray products (55541-2, 71545-1, 71768-1, and 71920-1) that were registered by or before early Spring of 1999.

(The labeling for 71768-1, BEAR PAUSE, turned out to be inaccurate even with respect to the name of the active ingredient contained in the product. A competitor exposed the fraud. EPA took enforcement action and was able to get that product's registration canceled following a hearing before an Administrative Law Judge.)

201.0 DATA SUMMARY

UDAP's submission of 6/26/03 seems to include no product chemistry information except for statements of ingredients on canister labels and no efficacy data aside from testimonials.

The items included in the review package are identified and discussed individually below.

Pepper Power™ Bear Deterrent Pepper Spray Canister Label

The label of this description that was included (as "App. A") in UDAP's submission of 6/26/03 is for 71920-1-72007 -- the distributor version of BearGuard. The label for 71920-1-72007 differs from that of the parent product, 71920-1, in no important textual respects and, in my view, has a somewhat superior layout. In his letter of 6/24/03, Matheny mentions using new graphics, but the graphics appearing on the distributor label that he submitted which differ from those on the label for 71920-1 consist only of UDAP's bear profile logo and a large bear pawprint-and-claw-mark depiction which appears faintly in the background running across of 2 of the 3 label panels. These differences are too minor to warrant further discussion. Matheny also mentions proposing new text for the canister label, but I see no differences in text that are not direct results of UDAP's having used a somewhat different layout.

It seems possible that the distributor label that was sent to me does not correspond in text and graphics to what Matheny wants to use in the future. However, I can only review what is before me. New canisters would have to show "72007-I" as the registration number and the appropriate establishment number. If Guardian Personal Security Product, LLC, is to continue to manufacture and label Pepper Power for UDAP, Guardian's establishment number should remain on the label. If not, UDAP's

should appear there.

Clamshell (and bag?) Labeling

These items collectively have been labeled "App B", if not by UDAP then by IRB's Daniel Peacock. The items consists of 6 pages of printed material, with some of the pages appearing to be largely redundant to or possible substitutes for other pages. Lacking any other efficient way to distinguish the pages or to refer to them unambiguously, I elected to number them in red ink. I now discuss them individually.

Page I

This page has the words "HOLSTER INCLUDED" near its top center and appears to be a copy of a card label that would surround a product canister packed in a clamshell arrangement with the trigger oriented to the right. Page I bears very little text with most of what is there being acceptable. The claim "30 Foot Fog" seems to be acceptable to me because it is accompanied by a graphic of a person spraying the product which illustrates what is meant be the "Fog" part of the claim. The 30' distance part was supported by spray pattern tests that Guardian submitted in 1998 in both written and videotaped form.

The only problem text on Page I is the representation

"Wisdom is Better than Strength" Ecc 9:16.

I have discussed this item in past reviews, including that of 3/25/03, and have criticized it for bringing religion into the mix (perhaps implying that this is a product for true believers). Looking at it again, it seems clearer than before that this is, at best

A true statement used in such a way as to give a false or misleading impression to the purchaser

which, therefore, falls into one of the categories of "Examples" of prohibited statements. See 40 CFR, §156.10(a)(5)(vii). Minus the scriptural reference and in an appropriate context, the sentence "Wisdom is better than strength" might be acceptable.

Page 2

This page also appears to be cardstock which is to be included in clamshell packaging. Like Page 1, Page 2 has relatively little text on it. As the place for the trigger is oriented to the left on Page 2, it may well be the flip side of Page 1.

The following bits of text on Page 2 are objectionable:

- 1. "For Safety Tips visit udap.com"; and
- "UDAP Industries concerned with Your Safety and the preservation of life."

The reference to the web site is prohibited because such reference makes the web site "labeling" as defined in FIFRA (see above) and EPA has program for pre-implementation

review of registrant's websites and no reliable means for reliably purging websites of objectionable information. The contents of company websites constitute electronic literature which is not covered by the exclusions granted to certain governmental agencies and research institutions under §2(p)(2)(B). On every occasion in which I visited the web site for a bear pepper spray, I found much material that was questionable, misleading, and/or clearly false. I have most recently visited the "www.udap.com" site on 10/20/03 and found some objectionable material there. I printed the contents of many of the sections of that web site. They are enclosed with this review but not attached to it.

UDAP's statement that it is "concerned with Your Safety and the preservation of life" contains a safety claim and a misleading inference that UDAP is uniquely concerned with its customers' safety (as opposed to those unnamed other producers of bear pepper sprays who just want their money). These are tough rulings to make because it is clear enough that UDAP is concerned with personal safety and because the "preservation of life" part refers both to humans and to bears. Using pepper spray is an alternative to using a firearm.

Page 3

This page also appears to be a photocopy of card stock for clamshell packaging. However, it appears that the copied stock is larger in size than Page 1 or Page 2 and may be intended for use with a larger canister. In any event, there seems to be more space on Page 3; and there definitely is more text, much of which is objectionable. The problem text is identified and discussed below.

- I. "As seen on TV!";
- 2. "LIFE saver":
- 3. "Wisdom is Better than Strength" Ecc 9:16;
- 4. "We are dedicated in helping safeguard people from bear attacks!";
- 5. "Thank you for Being Prepared with UDAP Pepper Power Bear Deterrent";
- "Be Prepared!";
- 7. 'UDAP's unique "Shoot from the Holster" designs!;
- 8. a reference to UDAP's web site; and
- the listing of offerings of the product in "6.3oz-180g" containers.

Taking the last first, I note that EPA's past assessments regarding the amount of spraying time available have led to a conclusion that containers holding less than 225 g (7.9 oz) of product probably do not supply enough material to accommodate a brief practice trial and still leave sufficient material inside so that the user remains "loaded for bear".

In the aforementioned spray trials with BearGuard (MRID# 447173-01 and the related videotape), the 180-g unit was functionally evacuated of contents in 3.38 seconds. In fact, a 225-g container that was tested had only 4.04 seconds of useful spraying time

(see efficacy review of 1/25/99). In the efficacy review of 3/9/99, I reassessed the prior spray tests, especially the videotape, to address the issues whether the 180-g container produced sufficient spray duration and had sufficient "oomph" to produce a spray cloud similar to that produced by the larger containers with which the spray pattern data had been generates. (It had appeared from the taped evacuation trials that the cloud coming from the 180-g canister was a bit thinner.) I also discussed the issues with Guardian's Karl Scholz, who had run the spray tests. Scholz agreed to drop the 180-g size until further assessments of it could be made, but noted that it had been the biggest seller during the period of illegal sale (mostly as UDAP's product) and had probably protected the most people as a result. No data were received from Guardian subsequent to my conversation with Scholz that would support use of the 180-g size.

The "As seen on TV!" phrase strikes me as a (presumably) true statement that is being used to mislead. As I write this, I have no knowledge of what, if anything, about the UDAP product actually was "seen on TV" or who all might have seen it. I do not know whether the product has been advertised on television, whether it has been demonstrated with actual charging bears on some sort of "real-TV" show, whether it has been casually mentioned in a documentary about bears and people, or what. The instructional video on bear pepper sprays that EPA helped to fund emphasizes use of registered products but does not identify any of them.

The "LIFE saver" claim seems to me to be a "false or misleading" efficacy claim as well as a (presumably) true statement being used to mislead. While it seems likely that Pepper Power, as currently formulated, has blunted some attacks by bears and may have saved some lives, it is quite a leap from such presumed outcomes to imply, as "LIFE saver" does to me, that one's worries are over if one carries the product. In that quite different statements regarding the product's limitations are required to be on the canister label, the relatively conspicuous "LIFE saver" claim also detracts from required label text.

I have discussed "Wisdom is Better than Strength" Ecc 9:16' for Page 1.

The statement "We are dedicated in helping safeguard people from bear attacks!", although probably true, is misleading to the extent that it implies that UDAP is somehow unique among producers of bear pepper sprays in that regard.

"Thank you for Being Prepared with UDAP Pepper Power Bear Deterrent" and "Be Prepared!" are borderline statements which may be intended in part to strike a familiar note with current and former Boy Scouts. The only problem with these statements that I see is the implication that by carrying Pepper Power one actually is prepared for all that a bear encounter might entail. Anyone inferring that would be misled to an extent, unless he/she also read the entire label, which other text on Page 3 commands. In the efficacy review of 3/25/03, I concluded that the "Be Prepared!" text could be tolerated. That conclusion was relayed to UDAP via EPA's letter of 4/7/03.

I would like to know more about 'UDAP's unique "Shoot from the Holster" designs!' before deciding whether to allow the claim. The major issues are whether UDAP's holsters actually are "unique"; and whether firing pepper spray from them is the best approach -- or even an appropriate approach -- in terms of effective and safe use of the product. Based on the information available to me as I conduct this review, the claim should not be allowed.

As noted above, referring to web sites on pesticide labels turns the entire content of the web site into labeling.

Page 4

Page 4 appears to be a copy of card stock for clamshell packaging for a canister with the trigger oriented to the left. As such, Page 4 seems likely to be the flip side of page 3. Much of Page 4 is devoted to what appears to be a presentation of the product's "DIRECTIONS FOR USE" that is faithful to the content of that section as it appears on the canister label. Clearly, that material is acceptable. As other required label text may be blurred or otherwise obscured by the clamshell packaging and the curved surface of the canister, I feel that all required label text should appear on the card stock.

Page 4 also shows photographs of a bears (seemingly grizzlies) and a bloodied Mark Matheny. Between the two pictures is an account of how Matheny came to be bloodied on 9/25/92 and how "a small 4 oz can of pepper spray (not a bear spray)" applied by his hunting companion saved Matheny's life. The account notes that the product used was not UDAP Pepper Power and indicates that the event was the transforming incident that motivated Matheny to go into the pepper spray business.

After much consideration, I have concluded that this material should not appear on the label for 72007-1. The narrative implies that small containers of unregistered (anti-personnel) pepper spray are of some value against bears. EPA should not be party to anything that might encourage use of unregistered pepper sprays against bears or other vertebrate pests.

Other objectional statements on Page 4 include:

- 'UDAP Industries "concerned with your safety";
- 2. "Thanks to God, a friend, and pepper spray, I am still here." Mark Matheny, President- UDAP Industries.'
- "UDAP's unique "Shoot from the Holster" designs, providing silent and easy access to the trigger; and
- 4. two references to UDAP's web site.

I already have discussed the problem with claiming concern for others' safety, referring to the company's web site on labeling, and the "Shoot from the Holster" business. The quote attributed to Matheny has basically the same problems as the account of his life-threatening experience.

Page 5

Page 5 shows 6 copies of rectangular label panels, including 3 which illustrate a person's hip and hand plus a hip-mounted holster and 3 which suggest a bear claw causing injury. These panels seem to pertain to different packaging arrangements and/or container sizes. The panels bear very little text but still manage to contain the following objectionable items:

a reference to UDAP's web site;

2. use of the word "Magnum" with reference to the "#15" packaging of "Bear Spray".

I have discussed references to the web site already.

The problem with "Magnum" is that it is a word commonly associated with firearms which bear pepper sprays clearly are not. In my view, that makes "Magnum" misleading, although UDAP's main intent may have been to refer to their largest container size. "Magnum" has come up as an issue with other bear pepper sprays and, if memory serves, we have rejected it.

Page 6

Page 6 shows photocopies of 3 rectangular items which most likely are top or bottom card stock for clamshell packaging or top-of-the package stock for plastic-bag packaging. Whatever the case, 2 of the 3 items pertain to a "#12CP" product and the other to a "#15 CP". The problems with these elements of labeling include references to the web site and another rendition of

'UDAP's unique "Shoot from the Holster" designs, providing silent and easy access to the trigger'.

I have addressed such statements already in this review.

"Advertising claims for UDAP Industries Inc., Pepper Power Bear Deterrent"

UDAP's "Appendix C", this item lists 65 claims that the company evidently would like to make for 72007-1. Some of these claims have been discussed already, but all will be listed and discussed individually below.

"I. 2Q outside curl, internally lined, seamless aluminum can."

If accurately reflective of the product's canister, this phrase would be acceptable. The Pepper Power can that I inspected while considering this item appeared to be both aluminum and "seamless", except for slight overlapping of the printed label affixed to it. I could not confirm the "internally lined" part and do "2Q" means in this context.

"2. 30 foot fog"

As noted above, this representation is acceptable when it covers the illustration mentioned above. Presented by itself, "30 foot fog" might be misleading to some readers.

"3. Affects eyes, nose and lung tissues instantly"

Assuming relatively accurate delivery, the "eyes" part of the claim would be true and the "nose" part pretty likely. I am not sure whether "lung" tissues are reliably or always "instantly" affected. It would be better to revise the item to "Affects eyes and nose rapidly".

"4. All Holsters designed for immediate access"

From a personal safety standpoint (considering risks from the bear and the product), removing the canister from the holster and spraying while holding it at arm's length would seem to be preferable to the shoot-from-the-hip" and "shoot-from-the-chest" arrangements which UDAP's contraptions allegedly permit. This would be true especially for a product that "Affects eyes, nose and lung tissues instantly".

I personally tested a shoulder holster arrangement and found that the process of removing the canister, removing the safety clip, putting the canister into firing position, and depressing the trigger took what I estimated to be less than 2 seconds. I was not sure what to do with the holster's snap strap. If the strap is to go through the finger hole, then it would have to be unsnapped before anything else was done as the snap tends to hold when one tries to de-holster a snapped-in canister. If the strap is not threaded through the hole but just over on side of the top of the canister, the canister can be de-holstered readily.

Removing the safety clip and depressing the trigger can be effected very quickly with the canister still in the holster, but at a sacrifice of ability to aim and, I suspect, at a great increase in the likelihood of significant product exposure for the applicator. The hardest task of all was re-inserting the canister into the elastic holster. That would not be a time-critical task, however; and the snug fit is likely to reduce the chance of the can falling out of the holster, which also seems to be the intended function of the strap.

By itself, "All Holsters designed for immediate access" is a bit misleading. The problem could be fixed by adding words which indicate whether "immediate access" means "rapid removal" or "use while still holstered".

- "5. As seen on the discovery channel"
- "6. As seen on TV"

As discussed above, phrases such as these appear to be (presumably) true statements used to mislead.

"7. Be prepared"

See prior discussion of this item. It is potentially misleading in that one who carries bear pepper spray is not "prepared" for all possibilities in bear encounters, but the command "Be prepared" is not necessarily limited to equipping oneself with bear pepper spray. It seems true enough that, with the spray, one would be "prepared" better than without it. In any event, we already have accepted the text.

"8. Bear 911"

This one seems false to me. The allusion to the emergency assistance telephone number does not fit with the product, which, if successful, would seem to be a line of self-defense rather than a seeking-assistance line. If the bear pepper spray did not prevent injury, then making use of the real "911" likely would be in order.

"9. Bear Spray is proven your best defense in a bear attack."

This one is false or misleading in every particular as it claims the type of product that Pepper Power is to be superior to all possible alternatives and uses the word "proven"

in doing so. While suggesting that bear pepper sprays often deter bear attacks, the existing data base on the efficacy of bear pepper sprays includes negative examples and is not of the highest scientific quality imaginable. The current data base is largely silent in the area of comparison of pepper sprays to other remedies, although a few accounts of failed uses of other approaches are mentioned.

"10. Bear attacks"

Without context, this one makes no sense and cannot be evaluated appropriately.

"II. Bear spray works"

This one seems to be true, usually, and could be used on labels and labeling.

"12. Bear spray with experience"

This one is false and misleading in that the "experience" to which it alludes is in the life history of people rather than the contents of the container. It also seems to imply a favorable comparison with unmentioned products which might be inferred to be "inexperienced" and/or "novices".

"13. Concerned with your safety."

As discussed above, this one seems to imply that UDAP is uniquely "Concerned". It also could be argued to be a claim of product safety rather than safety from bears, but that would be stretching things a bit in my view.

"14. Concerned with your safety and the preservation of life."

See item "13." immediately above and the prior discussion of this specific claim ("Page 2" of the clamshell labeling).

"15. Crosses over Canada border"

I am not sure of the current status regarding whether U.S.-registered bear pepper sprays legally can be taken into Canada for use. I do recall discussions of the matter and Canadian concerns about making bear pepper sprays generally available due to their potential use as offensive weapons in the perpetration of crimes. Although it would be useful to U.S. citizens preparing for outdoor activities in Canada to know whether they can take their pepper sprays with them, I feel that phrases such as "Crosses over Canada border" are not sufficiently informative and should not be permitted. Unless a separate Canadian registration is required for international transport of the product for personal use, a true statement reflecting the cross-border transport claim accurately could be made as long as it were clear that the claim is not limited to Pepper Power. As I write this, I am too unsure of the facts to offer anything more than a sample statement (see "CONCLUSIONS").

"16. Deters bears on contact"

This one is a bit misleading because the "contact" would have to be with the eyes and mouth for the product to have much chance of success.

"17. Deters bears from aggressive attacks"

This one is more like it. Bear pepper sprays have been reported to have such effects.

"18. Deters bears from attacking"

This one is seems misleading. There is little evidence to suggest that spraying the product at bears who are not already attacking prevents such attacks. Even when "ambush" applications were made to bears feeding in garbage dumps, there is no evidence that those bears would have attacked and, therefore, no evidence that attacks were prevented.

"19. Disperses the most active ingredients in the shortest amount of time"

Of the bear pepper sprays registered in the U.S., 72007-1 and its clones have the highest combined concentration of "Capsaicin and related capsaicinoids" and the shortest total evacuation times, container capacities being equal. It is not clear that either of these characteristics makes 72007-1 superior to competing products. Therefore, "Disperses the most active ingredients in the shortest amount of time" is a true statement being used to mislead, and is therefore prohibited under 40 CFR §156.10(a)(5)(vii) and implies a false or misleading favorable comparison with other pesticide products, and therefore also is prohibited under 40 CFR §156.10(a)(5)(iv).

"20. Effective range up to 30 feet"

When it was developing data on this product, Guardian demonstrated impingement of spray particles on vertical targets located 30' from the canister's opening. Guardian did not do bioassays showing the product to be effective against bears at that range. Therefore, the claim "Effective range up to 30 feet" is not supported by data on hand (beyond the occasional testimonial, see below). As we have allowed "effective range" claims for other products based upon results of spray pattern tests, we are sort of forced to do the same for Pepper Power.

"21. Each batch is coded and has an expiration date of three years"

Assuming that such batch codes and expiration dates are to be indicated on containers, this claim would appear to be generally true. Whether UDAP or Guardian has demonstrated that 3 years is how long the formulation and its container-delivery system remain functionally intact are other questions. I am inclined to let this one go.

"22. Fog pattern"

In the context of the graphic (discussed above) which shows what is meant by "Fog pattern", this one would be acceptable. By itself, it is a bit misleading because the spray does not "fog" an entire area but rather is applied as a directed spray.

"23. Formulated for lasting airborne disbursement"

There is no evidence that Pepper Power is superior in this regard to other bear pepper sprays or, for that matter, aerosol products in general.

"24. Grizzly attack survivor Mark Matheny Produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop attacks!"

It is not clear to me whether Matheny "Produces" the products to which the claim alludes or whether Guardian and/or others make them and UDAP's name just goes on the package. Therefore, the truth of the "Produces" part is not established. The allusion to personal defense products on pesticide labeling is troubling. The part that goes "registered bear sprays to stop attacks!" is borderline unacceptable due to the implication of 100% successful use but is saved, technically, by the argument that the text only indicates the intended function of the product rather than its actual performance.

"25. Glow in the dark safety Clip"

This one is true, as I recently have and previously had verified. All glow-in-the-dark items fade if kept in the dark for long periods of time, but that property should be familiar to most people.

"26. Have confidents [sic] and peace of mind by having easy access to any of our pepper power products"

Pesticide labeling should only refer to the specific pesticide product(s) to which it applies. 72007-I is likely to be UDAP's only pesticide product at this time. Any "confidence" resulting merely from the carrying of bear pepper spray is apt to be misplaced (especially if the canister also is), and any "peace of mind" could be shattered by a sudden encounter with a bear, Pepper Power handy or not. This one should be dropped.

"27. High-emission, fire-extinguisher style spray pattern"

This one probably is true. It is my understanding that the containers used for the Pepper Power bear spray also are used for fire extinguishers.

"28. High volume, powerful blast"

This claim would be likely to be true if the basis for comparison were other aerosol products. Many other products have higher volumes and produce more powerful blasts of one sort or another. On balance, the claim seems a bit misleading and, therefore, should be dropped.

"29. Highly visible fog"

The "Highly visible" part seems true enough during daylight hours when red-orange OC sprays should be quite visible. The "fog" part is true only in a certain context, which the phrase under discussion does not provide. Changing it to "Highly visible spray" would fix the problem.

"30. Hot red pepper"

This one is false. Although Oleoresin Capsicum extract is in the product, what comes out of the container is not kitchen variety red pepper and should not be used to spice up foods.

"31. Large rectangular nozzle"

This one is true if the context is understood to be limited to aerosol nozzles. I doubt that there is much room for confusion on that score, so the claim may stay.

"32. Liquefied propellant high-emission"

This one should be run by a product chemist for assessment of truthfulness. I am not sure whether this phrase would influence anyone to buy the product.

"33. Manufactured to ISO Standards"

This one seems to imply a favorable comparison to products not claimed to be so manufactured.

"34. Made from oleoresin of capsicum"

I understand this claim to be accurate for this product. Its current Confidential Statement of Formula (CSF) claims as much.

"35. Mark Matheny, President UDAP Industries, since 1994, a grizzly attack survivor"

This text typically appears under a picture of a bloodied Mark Matheny, and I have tolerated it in the past. A competitor has complained that the picture falsely implies that Pepper Power saved Matheny's life when the competitor's product -- an unregistered version of Counter Assault -- actually was used. As I do not believe that allusions to the period of illegal sale of bear pepper sprays are appropriate for pesticide labeling, I generally have indicated that references to pre-registration sales should not appear on labeling. At the very least, that means that the "since 1994" should come out of the photo caption.

Whether having survived a grizzly attack makes Matheny more qualified as a "producer" of bear pepper sprays and, for that or other reasons, more deserving of business than his competitors could be argued; but I am inclined to let that one go. It is a sort of "Hair Club For Men" (or is it "Rogaine"?) thing (i.e., "I am not only the President but also a customer").

"36. Mark Matheny a grizzly attack survivor produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop aggressive attacks!"

This combination of claims "24." and "35." has most of the problems identified for each of them: whether it is true that Matheny "produces" the products to which the claim alludes; the allusion to personal defense products on pesticide labeling; the issue of whether "registered bear sprays to stop aggressive attacks!" is a claim of 100% effectiveness; and the whole business of what one might infer from the bloody Mark Matheny picture that is likely to accompany item "36." I feel that the claim would be fine if all of the text after "survivor" were deleted.

"37. Non-Flammable"

This is another one that should be checked with the product chemist. Judging from the CSF, it looks to me as though the product's propellants could burn. (I have no personal

desire to test the product for that attribute.) The canister's accepted precautionary labeling includes the usual warnings for aerosol containers including prohibitions against puncturing and storing "near heat or open flame". I feel that it would be a bad idea to put "Non-Flammable" on the labeling for an aerosol product and that such a claim could be regarded as detracting from required label statements. I also pity the poor soul who sits too close to a camp fire with a can of Pepper Power shoulder-holstered in the chest area because "Exposure to temperatures above 130°F may cause bursting."

"38. No Bear Spray Hotter"

If this assertion is true (and it is consistent with claimed concentrations of active ingredients on registered bear sprays), the claim would represent use of a true statement to mislead. It is not established that increasing levels of Capsaicin and related capsaicinoids beyond the 1.4% level (or so) makes a product a better bear pepper spray, whether or not it is detectably "hotter". Risks to applicators might well increase with increasing "hotness".

"39. Non-lethal"

This claim has several potential meanings. The most obvious to me would be that it does not kill bears. This seems to be true, although there might be a freak chance of bear death due to allergic response and/or significant pulmonary damage.

A second meaning might be that it nobody dies, not the bear or the person. Certainly, that is the intent behind development and use of bear pepper sprays, but there is some evidence of less than perfect performance for these products.

A third meaning might be that it does not kill the applicator. There is some risk of self-exposure with bear pepper sprays due to wind direction, close-up (to the bear) use, and general panic and flustering. Pepper sprays used by police for crowd control occasionally have put humans in dire straits, and the same could occur with the bear products.

In the end, "Non-lethal" must be disallowed under 40 CFR §156.10(a)(5)(ix) as it is possible to infer a claim of safety from the text.

"40. Powerful blast fog pattern"

Without the "Powerful blast" part and with the graphic (a la Page I) illustrating what "fog pattern means, this claim would be acceptable.

"41. Powerful dispersion"

Presented without context, "Powerful" has an ambiguous meaning and, therefore, is potentially misleading.

"42. Preferred by back country professionals"

This one is unsubstantiated. The claim's range is that from 2 to a majority of whatever "back country professionals" might be prefer Pepper Power to all of the other bear deterrents. It also might be inferred to mean, "If you use any other product, you will be using what green-horn novices use and, therefore, will be exposed as being one of

them." In either case, the accuracy of the phase is questionable; but it is clear that it implies a favorable comparison with unnamed competitive products. As such, the claim is expressly prohibited under 40 CFR §156.10(a)(5)(iv).

"43. Proven in many bear attacks"

Neither Guardian nor UDAP has provided anything more than testimonials regarding the effectiveness of this product under what were reported as actual use situations. UDAP's incentive (a free can for a highly favorable story) to provide testimonials undermines their credibility as far as I am concerned. Even if the number of accounts submitted qualified as "many", the quality of the information provided comes nowhere near the claim of "Proven". This phrase must go.

"44. "Produced by a Grizzly Attack Survivor."

This one is misleading and may also be false if UDAP still does not actually produce the product. It is misleading in any case because it implies that the product is better or more deserving of purchase because of the past history of its alleged producer. It seems unlikely to me that having been attacked by a bear qualifies one uniquely to produce bear pepper sprays, however motivated one might be to do so.

"45. Proven formula"

This one has the problems mentioned above with respect to "Proven". Even if good quality efficacy data had been submitted for this product and documented to be relevant to its current composition, "Proven" would be too strong a claim to allow.

"46. Proven to stop aggressive Bear attacks"

This one has the problems with "Proven" plus the false and misleading claim of 100% efficacy. It must go.

"47. Shotgun blast pattern"

This one is false. A shotgun disperses heavy, macroscopic particles which retain essentially the same size until they rapidly fall to earth. A bear pepper spray can disperses aerosolized particles which get smaller with increasing distance from the source and which may remain airborne for some time and be readily carried by the wind. This claim has been made for other bear pepper sprays, and we have consistently disallowed it.

"48. Sophisticated oil base formula"

This one is, at best, a misleading statement about the composition of the product and, therefore, is prohibited categorically under 40 CFR §156.10(a)(5)(i). I do not know exactly what would make an "oil base formula" be "Sophisticated", but I doubt that there is anything all that special about the formula for 72007-1. Oleoresin Capsicum is itself an oil, and that appears to be the only oil in the product's formulation.

"49. spray 'em -- don't slay 'em"

This item reflects the philosophy behind using bear pepper sprays but does not promise 100% effectiveness. Therefore, this text is acceptable.

"50. Started by a grizzly attack survivor"

Again, it is not clear whether Matheny makes this product now or whether he ever did. If he was not the first to make it in its registered form (which seems to be the case), the statement is false. While being a "grizzly attack survivor" appears to have altered the course of Matheny's professional life, it does not necessarily mean that his product, made by whomever, is the best of its kind.

"51. Stop attacks"

This one is misleading. The product is to be used to "Stop attacks"; but the isolated phrase seems to imply that it always will and, therefore, to be a misleading claim of 100% efficacy which could be shown to be wrong by a single negative example.

"52. 'Thanks to God a friend and Pepper spray I am still here' Mark Matheny UDAP President."

Out-of-context, this one implies that, with Divine and nearby help, Pepper Power saved Matheny, which clearly was not the case. Even with that problem addressed by additional text, there still are problems with possible implications to the effect that God's providence spared Matheny just so he could provide you, the customer, with Pepper Power. Still, there ought to be some way for the label to state that Matheny became sold on the idea of bear pepper sprays after one was used to save his life without referring directly to the time of illegal use, without implying that his life was saved by Pepper Power, and without introducing statements that are false or misleading in any particular.

"53. The foggers [sic] enhanced range; broad spray pattern and inhalable particle size make it the most effective tool to stop a bear attack. Simply by virtue of its ability to disperse large amounts of OC into the air.

This one contains a false or misleading comparison to other pesticides and implies that it produces a uniquely effective "inhalable particle size" that those inferior competitive products simply do not. I doubt the truthfulness of that assertion on general principles. We have no data on particle sizes that would enable us to assess the claim further.

"54. UDAP Bear spray works!"

This statement is likely to be true and does not directly malign other products. I suppose that use of the exclamation point might be taken by some as an indication that it really is news when a bear pepper spray works (because the other products are so inferior). That "problem" could be fixed by using a period, instead.

"55. UDAP Industries, Bear spray with experience"

Again, people have experiences; but cans of mixed chemicals do not. As noted previously, claims of this nature imply that the alternative products are babes in the woods. The Counter Assault product was under development and/or on the market for the better part of a decade before Matheny got mauled. As all of the marketing

history of the Counter Assault product prior to May of 1998 was illegal, it is not appropriate to refer to any "experience" with any bear pepper spray that predates that time.

"56. UDAP has proven to be the pacesetter for the pepper spray industry."

This statement makes a favorable comparison between UDAP and all of its competitors in the "pepper spray industries" whether or not they are in the bear pepper spray business. Such a gratuitous assertion should not be allowed on pesticide labeling based upon general principles and probably is false to boot. How could a company that did not even make its own bear pepper spray for years (and perhaps still does not) be the industry's "pacesetter"?

"57. UDAP is headquartered in the foothills of the Gallatin National Forest south of Bozeman Montana"

None of this information would make Pepper Power better than any competitor's product. Other than to imply that this product comes from real bear country (as opposed to, say, Missouri, source of "Frontiersman" spray), I do not know why this statement would be made. It should be deleted. Anyone who would want to make a purchasing decision for bear pepper spray based upon its producer's place of business can obtain the information needed from the registrant's address and, more accurately (for the initiated), from the establishment number.

"58. Very effective"

This one is misleading at best. There is no reason to expect that 72007-1 is more effective than other U.S.-registered bear pepper sprays. If the other products are "hot enough", it is not clear that being "hotter than hot enough" would confer any specific performance advantage; and the Pepper Power cans empty very rapidly.

"59. Very hot bear spray"

This seems to be true as a description of the product. Some might infer from it, however, that products with lower concentrations of Capsaicin and related capsaicinoids are "not so hot". This one is "borderline" as providing an implied false or misleading comparison to other products.

"60. Wisdom is better than strength! Ecc. 9:16"

For reasons discussed above (Page I of the clamshell labeling) and in the efficacy review of 3/25/03, this one has to go.

"61. We go the distance for your life"

What "distance"? The 30 feet of the "fog" spray pattern? This one is misleading at best. It also might be construed as including a favorable comparison between UDAP and those "sprinter" competitors who just cannot manage "the distance".

"62. We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife"

This one seems likely to be true and provides a rather concise statement of why the company might be selling bear pepper spray (besides the profit motive, of course).

"63. www.udap.com"

As noted above, references to web sites do not belong on pesticide labeling as they cause the contents of the web site also to be labeling. Past visits of registrants' web sites, even those of producers of bear pepper sprays (such as I found with UDAP's on 10/20/03), have shown them to be replete with false or misleading statements including specific text that we have required to be deleted from printed labels. Even if a company were to clean up its web site and submit its contents for our review, we would have no guarantees that the contents would not be messed up later.

"64. www.pepperpower.com"

See comments for item "63."

"65. Zero ozone depletion potential."

This is another one that should be run by a qualified chemist. The phrase "Zero ozone depletion potential" implies that nothing in the product could possibly adversely affect ozone, whether the protective "up high" ozone layer or "down low" ozone which adversely affects air quality. Whether or not the jury is still out on these questions with respect to the contents of this product, the claim should be disallowed as an absolute claim on one index of environmental safety.

"Testimonials Stories from Actual Encounters with Bears"

"Appendix D." to UDAP's submission of 6/26/03, this item begins with pictures of Matheny's family and the picture of him in bloodied condition. Between the two pictures are the words

... it can mean the difference between

Life.....and Death.

Beneath the picture of the bloodied Matheny is written

I can do all things through Christ who strengthens me. Phil 4:13

The document continues with 3 sentences which indicate that Matheny's experience has led him to "put a lot of forethought" and to have "studied every little detail" so that "his product is functional and reliable."

The document then requests the reader to provide "your true account of UDAP Pepper PowerTM use against bear attacks. As noted elsewhere in this review, UDAP provides a powerful incentive for submission of positive stories.

The remaining pages of the "Testimonials" document are, in fact, filled with testimonials, some 16 of them. These are identified and summarized individually below.

1. "UDAP bear spray showed me the results..."

Casey Anderson ("President, Montana Grizzly Encounter) reports having "worked with 100's of bears, both wild and captive" and having been charged by bears "over 30 times". Anderson does not indicate how often he(?) used pepper spray, but reports having

used several products; some working more effectively than others but UDAP bear spray showed me the results that gave me a peace of mind. Over the years, charge after charge, I have watched UDAP stop bears like a brick wall, saving my life several times. When the spray is deployed the bear stops dead in their tracks wanting nothing more than to go the opposite direction as fast as it physically can. UDAP is the ultimate in safety for dealing with these unique and dangerous situations. When it comes to choosing a right hand man, the only product that I can say has worked with results I depend on 100% of the time is UDAP bear spray EPA Reg. No. 71920-1-72007.

Anderson's glowing statements read like ad copy, which does not necessarily mean that there is no truth behind them. That is the basic problem with testimonials. EPA never really knows whether they arise out of pure satisfaction with the product, out of short-or long-term business relationships, out of friendship, out of commercial inducements, or out of combinations of some of these. It also sometimes seems that the registrant or applicant has either embellished the accounts or fabricated them. Consequently, we have regarded testimonials as being of little or no value. UDAP's free-can-for-a-good-story incentive undermines the credibility of the testimonials that it brings forth in its proposed labeling and its advertising.

2. "Yellowstone Park Grizzly Attack"

Tom Crossin reports having been charged by a sow grizzly (with cubs). The female reportedly grabbed Crossin by the calf but then broke that attack off and charged his friend, Nils Wygant, who

now had his **UDAP Pepper PowerTM** Bear Spray (EPA Reg. No. 71920-1-72007) out and ready. He fell back to his stomach and waited until the head-on charge closed to five feet. Propped up on his elbows he let her have it right in the face. GONE, DONE, NEVER SEEN AGAIN! The spray stopped the charging female grizzly on a dime and sent her away for good. Nils called out to me, "I got her Tom, and I got her good!"

Nils and I want to thank Mark and UDAP for saving both our lives. My family and Nils' wife and daughters think you're pretty cool too. Thank you for producing a quality product. Thank you also for contacting me in the hospital to lend moral support. It meant a lot to me.

"I trusted my life with UDAP Pepper PowerTM Bear Spray (EPA Reg. No. 71920-1-72007) and it saved us!"

These words are attributed to Dave Wood, whose friend, Steven Chamberlain M.D., also reports on an encounter with a sow grizzly who had 2 cubs. Chamberlain and Wood reportedly had done "some elk calling" which had attracted the bears. Having had insufficient time to use his bow or "gun", Chamberlain reportedly was attacked on

the lower leg, thigh, arm, and head by the time that Wood had collected himself and

armed with the UDAP bear spray, he charged the mother Grizzly who was now facing him. She took the full force of the spray from less than 10 yards whirling so fast that at first Dave wasn't sure he hit her. The effect of the spray was fast and effective as she and the cubs left and didn't return.

... We always try to be prepared and have carried side arms in addition to UDAP bear spray since its inception. However, until this encounter, I think we both thought our first line of defense would be a gun. Now, we both feel that we wouldn't be out in the woods without UDAP Pepper PowerTM bear deterrent and as for me it will be in a chest harness with UDAP's unique shoot from the holster design.

4. "Bad bear; go home!"

Sheldon Smith reports on "a close encounter with a brown bear" in Yakitat, AK. The bear reportedly followed Smith and his fishing party up a trail leading away from the Situk River, which they had left while carrying fish so as not to have to give them up to the bear. Smith reports that he

... carried the only can of **UDAP Pepper PowerTM** Bear Deterrent (EPA Reg. No. 71920-1-72007) available at our lodge.

Just before we came to an opening on the trail, the bear closed in on the last man in our party. At that point, I took a position behind my friend, let the bear come to about 15 feet, and while asserting "Bad bear; go home!" hit the trigger. To our great relief, the Bear turned "inside out" reversing course and disappearing into the brush. At that point, we beat a hasty retreat back to our van.

5. "...superior to a firearm in several ways..."

Scott Yang reports having used

your product (225g canister) against an aggressive black bear in Yosemite last summer.

The bear reportedly was in a tree getting access to bags of food that Yang and a "friend" had suspended from a rope their while overnight trail camping. Using rocks, the humans managed to bring the bags to the ground, with an angry 200-lb black bear following and charging Yang and friend.

The bear hissed and ran down the tree, charging us at the moment he hit the ground. When I pressed the trigger, a large cloud of **UDAP Pepper PowerTM** bear spray washed over the snout of the charging bear at about 6-8 feet. He was turned back instantly, regrouped by the tree and charged again. I sprayed him again, this time at maybe 15-20 feet and stopped him once again. The bear left the area at which point we collected our food and returned to camp.

Again, thanks for your product. I think it is superior to a firearm in several ways. First, it works! Bear pepper spray is noxious enough to thwart large bears. Second, it is difficult to miss your target. Third, it is very lightweight compared to a gun. Fourth, no permanent harm is done to the bear. In fact, some fear of humans may be restored to aggressive bears. I think in areas like Yosemite, which do not allow hunting, and have tremendous problems with human-food habituated bears; the rangers should consider requiring all hikers to carry pepper spray.

6. "KODIAK BEAR——UDAP Bear spray is for real"

Pat Goodwin ("one happy camper") reports having encountered a sow brown bear with a cub while hiking across Kodiak Island, AK, with 4 other people. The female eventually charged the but was repelled when a member of the party used the UDAP spray on her from a distance of "only about 10-15 feet", at which point the sow

stopped directly in her tracks, snorted, sneezed, pawed at her head and eyes then turned directly around and we didn't see her again.

7. "UDAP Pepper PowerTM and a .44 magnum pistol"

Jeff Buckingham reports that he and his friend Cory Nuss encountered a sow grizzly with 2 cubs "near the East Entrance of Yellowstone National Park." The sow charged them from about 40 yards away. Nuss hit her with "UDAP Pepper PowerTM bear spray (EPA Reg. No. 71920-1-72007)" from a reported distance of 10 feet, whereupon "She immediately hit the brakes and wheeled away."

In the efficacy review of 12/27/99, I discussed a letter from Buckingham which states that the incident in question occurred on 6/28/98, before Pepper Power or BearGuard was registered. The "UDAP Pepper PowerTM bear spray (EPA Reg. No. 71920-1-72007)" business was not in Buckingham's letter.

8. "Peppered Grizzly Stopped in Tracks"

Joan Haines of the Bozeman Daily Chronicle reports on a grizzly encounter recounted to her by "Gary Clutter, guide and big game hunter". Clutter reported having sprayed a sow grizzly

full in the face when it was 4 feet away... It was like it hit a wall. The grizzly turned and ran so fast toward her cub that she ran right over it. Then, cub and sow were gone. ... This worked exactly the way it was designed to work, Clutter said. The bears didn't die. All I'm out is a can of UDAP bear spray (EPA Reg. No. 71920-1-72007). I'm convinced bear spray is the way to go, even for gun hunters. Your chance is much better with spray - which can spread out 15 feet wide from 20 feet away - than with a bullet the size of a pen. The odds are better.

In the efficacy review of 12/27/99, I discussed a "BOZEMAN DAILY CHRONICLE" by Haines in which Matheny and UPAP were mentioned. That article was dated 4/8/98 but did not quote Clutter or mention his name. Matheny was paraphrased as having said the equivalent of "Not all pepper sprays are created equal". If the free-can-for-a-good-story policy was in effect at the time, Clutter might not even have been "out a can of

UDAP bear spray".

9. "...(grizzly) close enough for me to see his eye lashes"

Kurt Dehmer reports having found himself too close for comfort to a boar grizzly in liamna, AK. The bear "wanted my fishy/bacon smelling lunch pack". Dehmer reportedly talked to the bear while readying himself to spray it.

I pulled out my **UDAP** and let 'er rip. Ol' griz never knew what hit him. He stood upright, for a moment I thought I was dead. He turned tail and ran to the water. Pawing his face and nose the whole way. He dunked his heard in the river again and again... I don't know if that old bear would have hurt me or not, but for his sake <u>and</u> mine I'm glad I used my **UDAP** bear spray (EPA Reg. No. 71920-1-72007). From now on if I'm traveling in the back country, so is my **UDAP**.

10. "The Right Stuff for professionals"

This entire item reads as follows:

The Teton Park rangers, Yellowstone National Park crews, Glacier National Park rangers - to mention a few - all pack Mark's bear spray (EPA Reg. No. 71920-1-72007).-- The Right Stuff -

Because of its content plus the fact that it is not a direct quote of any person who is not affiliated with UDAP, this one is objectionable on grounds of implying product endorsement by an agency of the Federal government. Such claims are categorically regarded as false or misleading under 40 CFR §156.10(a)(5)(v).

11. "...! knew she (the grizzly sow) wasn't stopping"

David Nyreen reports that he and his uncle were charged by a grizzly sow with cubs while "hunting in Northwestern Wyoming." Reportedly, the sow and cubs were

about 15 yards away, when she suddenly came at me. I hoped she would stop, but at 15 feet, I knew she wasn't stopping, so I sprayed my bear spray at her. She shook her head and ran back to her cubs, shook her head again, and then disappeared into the brush. I know my can of UDAP Pepper PowerTM bear deterrent (EPA Reg. No. 71920-1-72007) saved me from, at the very least, a bad mauling. Thanks to Mark Matheny and UDAP for a fine product. I wouldn't trust my life to anything else!

On 4-7-99, Nyreen sent a "To whom it may concern" FAX attesting to the "effectiveness of U.D.A.P.'s 180 gram Pepper Power bear deterrent" and referring to an incident of 9/1/96 (years before Pepper Power or BearGuard was registered) involving a sow grizzly with cubs (see efficacy review of 12/27/99). Nyreen stated that he

was able to stop and make her turn away at a range of about 8 feet. Mr. Matheny informed me that he may have to discontinue the 180 gram size of Pepper Power. I consider the 180 gram size to be effective in stopping an attack.

As this account differs from the one discussed just previously, several thoughts occur to me: (1) Nyreen may have accurately described two experiences in which he used Pepper Power; (2) Nyreen may have described the same experience differently at different times; (3) one or both of the accounts may be apocryphal; or (4) UDAP may have incorrectly linked the more recently submitted testimonial to Nyreen.

12. "Bear Pepper sprays...the hottest pieces of back country gear"

This one as attributed to "Todd Wilkinson, Too Close and [sic] Encounter". In its entirety, this item reads as follows:

Bear pepper sprays have become the hottest pieces of back country gear, in part because of Matheny's non-stop crusading.

13. "...fourteen feet, ears laid back in attack mode"

"Russ (Eric) Leach" reports having come across a sow grizzly with cubs at a distance of 60 yards. The female charged him.

In a split second, she woofed and was on a mad dash directly at me. Knowing I was over one hundred yards from a tree, I drew my pistol and the spray. By this time, she was at thirty yards, still going full bore. Hoping she was bluffing, I stood dead still. I knew I couldn't get a good enough shot to stop her in her tracks. On the other hand, what if I let her get close enough to spray, and it wouldn't phase her? By this time, she was fourteen feet, ears laid back in attack mode. Fighting reflexes, I squeezed the spray. The instant that fog hit her nose, she pivoted on a dime and was gone. Keep in mind, I am not a person whose thoughts are easily swayed. One thing is for sure, had I not been packing UDAP bear spray, I would have been mauled or possibly killed.

This material comes from Leach's letter of 2/18/98, which was written before Pepper Power or BearGuard was registered. We do not know the composition of the product that Leach reportedly used. See efficacy review of 12/27/99 for additional discussion of this letter.

14. "A snapped twig announced the presence of a charging sow grizzly"

This one is attributed to "Patrick Poppe, Wind River Outfitters, Dubois, WY. Poppe describes himself as "a sheep and elk guide, in northwest Wyoming". He reports that he and a client were charged by a sow grizzly.

The hunter immediately grabbed for his pepper spray, and shot the bear with "(UDAP)" at ten feet, the bear spun and ran off. Anyone who believes Bears like the taste of pepper spray sure need [sic] to see this!

This material came from Poppe's letter of "4-18-98" which was written when neither Pepper Power nor BearGuard was registered. Therefore, this testimonial pertains to an unregistered product of a composition not documented before EPA. See efficacy review of 12/27/99 for additional discussion of Poppe's letter.

The last comment may be a "dig" at EPA, Tom Smith of the U.S. Geological Survey in AK, or Kate Dwire, who was the registrant of the canceled-for-cause Bear Pause product (formerly 71768-1). See efficacy review of 1/25/99.

Smith published an article in the Wilson Society Bulletin in 1998 in which he reported that oily residues from Oleoresin Capsicum bear sprays (none of which were registered at the time) were attractive to bears. As he demonstrated with videotaped evidence, this claim was factual. Dwire brought Smith's research to EPA's attention and began telling all who would listen that her product was made with pure Capsaicin rather than OC extract and not only would not attract bears in that manner but had been found not to do so in Smith's study. In fact, Smith had not tested Dwire's product at all and had stated that the instances in which bears were not attracted to spray residues probably were due to heavy winds. (Dwire later was discovered to have lied about the active component of her product, BEAR PAUSE, which is why it no longer is registered.)

EPA (including me) thought that information about attracting bears to spray residues should be inserted into the "DIRECTIONS FOR USE" sections on bear pepper spray labels in the part in which users are admonished not to spray campsite articles or their own clothing. That label change (something like "and may serve to attract bears") led to all sorts of hooting and hollering from the northwest. As a result, the statement was returned to one which merely stated that topical application of pepper sprays would not deter bears.

The content and timing of the comment from Poppe about "anyone who believes Bears like the taste of pepper spray" seems to betray some awareness of the controversy ensuing from Smith's research.

15. "...powerful enough to stop King Cong!"

This one is attributed to Mike Lapinski in "Bowhunter Magazine". Lapinski makes his "King Kong" assertion with reference to "this volatile bear deterrent spray [EPA Reg. No. 71920-1-72007 from UDAP]". He adds that

Many guides and wardens in Alaska prefer to use bear spray instead of a firearm, because they've learned that the shotgun pattern blasted out by bear pepper spray stops a charging bear more surely than a bullet. This stuff works. I should know. I was photographing a bear last spring in Montana when the bear suddenly turned and began advancing toward me. Fortunately, I had a large can of **UDAP Pepper PowerTM** bear spray in a holster on my hip. When the bear was 50 feet away, it made a false charge. I hit it with a blast of red hot cayenne pepper that instantly enveloped the bear in an orange fog. The bear immediately stopped and began pawing at its face coughing and wheezing, the bruin slowly stumbled into the forest.

On 3/25/99, Lapinski authored a "Dear Person" letter which began with the sentence

I was surprised and disappointed that the EPA does not intend to license the UDAP (Universal Defense Alternative Products) nine ounce can of pepper spray. I discussed that letter in the efficacy review of 12/27/99.

A few years ago, Lapinski was working on a book about bear pepper sprays. The "BEAR SAFETY TIPS" brochure discussed below refers to "Self Defense for Nature Lovers by Mike Lapinski" under the heading "BOOKS WE RECOMMEND". Of the 5 books listed there, Lapinski's is the only one that has an "800" number linked to UDAP beneath it. The implication is that one can obtain a copy of the book through UDAP.

16. "...Bear pepper spray is more effective in deterring a grizzly attack than a gun"

This item is from the account (or article?) "Pepper Spray makes grizzly run away, Jackson Hole" which is attributed to one David Simpson. The gist of the story is that a male human named Gocke used a bear pepper spray on a grizzly that was attacking him. Although Gocke was carrying a firearm, it was the spray that drove the bear off. Simpson cites a Dave Moody (a "Game and Fish predator biologist") as saying that spray works better than a gun. Pepper power is not mentioned specifically in the extracted material.

It seems clear enough that some editorializing of the inputs has occurred. One clue to the occurrence of such activity is the frequent presentation of the product name, often italicized and in bold type, plus the full distributor number. As noted above, there is clear evidence than Buckingham's statements were altered in that way. Another clue is the frequent absence of commas where they seem to be needed in many of the items. I doubt that the news reporter (Haines), would have prepared her original in that manner. What is not clear is whether the basic stories are more realistic than real (i.e., whether any were embellished or fabricated).

If the accounts of actual use experiences are embellished or edited to an appreciable extent, the "pass" that registrants might be given for statements that otherwise would be false or misleading should be revoked. (The "logic" behind the "pass" would go something like this: "UDAP isn't the one claiming that Pepper Power is the best, Casey Anderson is. All we're doing is quoting Casey.")

The comparisons to other products that appear in Anderson's and some of the other testimonials should be stricken if any document bearing testimonials is to accompany the product in commerce. Whether it is appropriate to use testimonials at all on pesticide labels is questionable. If the content of the testimonials does not fully and accurately reflect product performance (i.e., if the testimonials serve to put the product's "best foot forward"), presenting a one-sided view would be misleading. Noticeably absent from the 16 testimonials submitted by UDAP are any of the "I tried it and the bear dern near killed me anyway" or the "Bloody thing didn't spray worth a darn" sort. Maybe UDAP has not received any such letters. There is at least one good reason why they might not have (see discussion below of testimonials in the brochure).

"UDAP BEAR SAFETY TIPS" brochure

This item includes a "THANK YOU!" to people who buy Pepper Power bear pepper spray. It is clear, therefore, that the brochure is to accompany the product in commerce and constitutes "labeling" as defined in FIFRA §2(p)(2).

This brochure begins with 13 pages that are devoted mainly to bear behavior, bear encounters, and what humans should do in particular situations, with only passing and seemingly innocuous references to UDAP and its bear pepper spray. Under "CONCLUSIONS", I address some specific editorial changes needed to that portion of the brochure. As they generally are minor, I am not discussing them separately here.

On page 14, the document shifts to an account of Matheny's experience ("UDAP PEPPER POWER BEAR DETERRENT'S BEGINNINGS") and focusses on Pepper Power, following Matheny's grizzly story with a set of testimonials which have been discussed above and/or in prior efficacy reviews. Many of those must be deleted because they occurred prior to Federal registration of BearGuard.

Before the testimonials begin, the following sentence appears:

Since then, he [meaning Mark Matheny] has dedicated himself to improving a product designed to safeguard people against maulings, and to help them better coexist with wildlife.

As noted above, it is not at all clear to me what role Matheny actually played in the design and development of any rendition of UDAP Pepper Power, including what was sold as Pepper Power prior to the registration of BearGuard, what was sold as 71920-1-72007, and what is to be sold now. It is not evident to me that the same formulation has been sold throughout or whether the Pepper Power that Michelle Morris tested several years ago for <u>Backpacker</u> magazine was equivalent to BearGuard. The two products yielded different results in spray pattern trials (see efficacy review of 9/5/00).

Whatever the case, if we can determine the actual course of development of the various things that have been called "UDAP Pepper PowerTM" bear deterrent, we will be in a better position to assess the truthfulness of promotional accounts of creation of the product(s).

The sentence which introduces the testimonials should have the spelling of "using" corrected and should present the EPA registration number accurately, if a testimonial section is found to be worthy of being retained at all on a document which qualifies as pesticide labeling. If use of testimonials is permitted, whether any or specific testimonial should be permitted would have to be determined. Clearly, there is a risk testimonials at they can provide a mechanism for introducing claims that otherwise would not be allowed on labeling, having testimonials in this brochure may provide useful documentation for some of the general points made earlier in the brochure. However, the conditions enumerated below (and repeated under "CONCLUSIONS") should be applied to any permitted use of testimonials.

- All testimonials pertaining to use of Pepper Power before it was covered by a Federal pesticide registration must be deleted as they do not relate to the registered product.
- Any testimonials which remain must appear entirely in the words of the person supplying the information, with no material being added or deleted that would alter the reader's impression of the incident.
- So as not to be misleading, testimonials in the brochure should be representative of those received by the company, with the words of less-than-fully-satisfied

customers also being included. Accounts from less-than-fully successful uses might serve instructional purposes within the brochure as a whole with respect to timing and distance of application, effects of weather conditions, and do's and don't of human behavior before, during, and following encounters.

- 4. Testimonials from persons who have ongoing business relationships (other than repeated purchases of pepper spray for personal use) with UDAP or who are personal friends of Mark Matheny, his family, or any UDAP employee must be deleted or the nature of such relationships must be fully described.
- Testimonials which imply endorsement of the product by any agency of the Federal government or any employee thereof must be deleted.
- 6. Any considerations -- financial or otherwise -- offered as inducements or provided in exchange for favorable testimonials must be fully disclosed (where the testimonials appear), or all testimonials obtained under such circumstances must be stricken from the brochure.

With regard to the last item in the foregoing list, it must be noted that, at a location remote from the testimonials that it presents the brochure contains the item quoted below.

A Special Note to our Customers:

If you ever use Pepper PowerTM Bear Deterrent to prevent an attack, UDAP Industries will send you a <u>FREE</u> replacement can in exchange for your story. Please send to:

UDAP Industries, Inc P.O. Box 10808 Bozeman, MT 59730

That statement would provide a strong incentive for purchasers and maybe even "non-purchasers" to come up with a realistic tale, incident or not. This does not necessarily mean that any or all of the testimonials that UDAP has been using are false or embellished, but it reduces my confidence that they are genuine.

A "PRACTICAL PREPARATION" section of the brochure encourages prospective users of Pepper Power to practice the behaviors associated with spraying bears ("at least seven times") so that their otherwise inevitable "panic" responses can be replaced by appropriate use of Pepper Power. For purposes of practicing, the brochure recommend use of "one of our inert cans" (which "have the same spraying power as our regular sprays" but "can be purchased at less than half the price of our regular spray"). Failing that, the brochure suggests "using outdated cans". How a neophyte comes to have an outdated can is not made clear. In any event, the text suggests

Rehearse, with friends or family various situations in order to be prepared in a real life threatening situation.

I am not sure how these rehearsals might play out, but I hope that no person volunteers for the role of "bear", especially when outdated cans are being used. The

contents of such cans might still be extremely hot. The text should be a bit clearer on what constitutes appropriate rehearsal. Consistent use of "practice", rather than "Rehearse" would help.

The issue of whether residue from bear pepper sprays attracts bears (see discussion of Tom Smith's data above) is answered in the affirmative (sort of) on page 20 with text attributed to "Bow Masters - September 1998 - Self-Defense for Archers by Mike Lapinski". This item predates registration of BearGuard and, therefore, constitutes a reference to the period of illegal marketing.

In the context in which it is presented on page 23 (under "BEAR SPRAY"), "Wisdom is better than strength" (minus the reference to scripture) is acceptable. The words "with confidence and peace of mind" should be stricken from the last sentence of the first paragraph of this section.

The "DISCLAIMER" section begins on the bottom of page 24 of the brochure but ends in mid-word (at "other than its in-") with the bulleted "WARNINGS" that begin before the "DISCLAIMER" resuming at the top of page 25.

"Appendix F, Articles of credibility to display importance of product for educational purposes"

This item is a collection of 8 one-page items, 7 of which are letters addressed to Matheny with the other being a memorandum addressed to Matheny. In these items,

- Steven P. French, M.D., of the Yellowstone Grizzly Foundation, praises UDAP's "informational booklet entitled 'Proper Use of Pepper Spray and Bear Safety Tips" (letter of 11/6/98);
- Peter Kummerfeldt, "Owner and Chief Instructor" of Survival Consultant Group praises "Proper Use of bear Spray – Bear Safety Tips" and UDAP (letter of 11/17/98);
- Ron Aasheim, "Administrator Conservation Education Division" of the Montana Fish, Wildlife & Parks reports a consensus that "the brochure insert you anticipate including with your pepper spray products" is "well done" (letter of 10/29/98);
- Chuck Bartlebaugh of the Center for Wildlife Information (CWI) and James Gore, "National Grizzly Bear Habitat Coordinator" for the Forest Service comment favorably on the "draft 'Proper Use of Pepper Spray - Bear Safety Tips" (letter of 12/7/98 on CWI stationery);
- Kerry A. Gunther, "Bear Management Specialist" at Yellowstone National Park, supports the content of "the technical information booklet entitled Proper Use of Pepper Spray and Bear Safety Tips as well as the idea of providing the item to purchasers of UDAP's product (letter of 1/5/99);
- Dave Lockman, "Education Supervisor" of the Wyoming Game and Fish
 Department supports the concept of including "your pocket publication on the
 'Proper Use of Bear Spray" with UDAP's bear pepper spray but raises issues
 regarding whether it is wise to advise people to fight back against black bears
 (letter of 11/6/98);

- 7. Dave Moody and Chris Queen of the Wyoming Game and Fish Department comment upon "UDAP Pepper Spray Literature", supporting it in concept as "an excellent marketing idea" but raising 7 issues with it, emphasizing that bears are unpredictable as to behavior and habitat in which they might be encountered (memorandum of 11/6/98); and
- 8. Kevin Frey, "Grizzly Bear Management Specialist" of the "Yellowstone Ecosystem" for Montana Fish Wildlife & Parks, praises the "Proper Use of Pepper Spray Bear Safety Tips" booklet and mentions UDAP's intent to provide it with the "bear deterrent pepper spray product, 'Pepper Power'" (letter of 11/12/98).

Collectively, these items establish a perception of intent by UDAP to use the brochure(s) reviewed as labeling. The dates of these items are interesting as they all occur during the illegal-product-phaseout period which was part of EPA's long-overdue crackdown on the sale of unregistered bear pepper sprays. That UDAP was not to be an actual registrant and was to use labeling that had not been proposed by the parent registrant (Guardian Products) may not have been known to the authors of these letters and the memorandum. Those folks also might have been unfamiliar with FIFRA's definitions of "labeling" and "misbranded" including the prohibition against statements on "labeling" that are "false or misleading in any particular".

I agree with these people that it would be a good idea to include with the product a brochure that discusses bears, how to behave in bear country or when confronted by them, and how to use the product. It is just that UDAP's brochure has to be cleaned up a bit. With UDAP now being the registrant, we can discuss the content of the brochure directly with them.

202.0 CONCLUSIONS

Proposed product name change

From the standpoint of efficacy, the proposed change in the product's name is acceptable.

Pepper Power™ Bear Deterrent Pepper Spray canister label

- 1. The graphics appearing on the distributor label ("App. A.") for Pepper Power which differ from those on the label accepted for 71920-1 include UDAP's bear profile logo and a large bear pawprint, which appears faintly in the background running across of 2 of the 3 label panels. These "new" graphics are acceptable from the standpoint of efficacy.
- The text on the "App. A" canister label does not appear to differ from that on the current (BearGuard) canister label except for changes that result directly form UDAP's having used a somewhat different layout. These differences are acceptable from the standpoint of efficacy.
- 3. New canisters must show "72007-1" as the registration number and the appropriate establishment number. If Guardian Personal Security Product, LLC, is to continue to manufacture and label Pepper Power for UDAP, Guardian's establishment number should remain on the label. If not, UDAP's should appear there.

Appendix Comments

[NOTE TO DAN PEACOCK:

The preceding comments apply only to the distributor label "App. A" that was sent to me for review, If UDAP has different label text in mind, they should submit it promptly.

Clamshell (and bag?) Labeling

Collectively labeled "App B", these items consists of 6 pages of printed material, with some of the pages appearing to be largely redundant to or possible substitutes for other pages. So as to distinguish the pages, they are hand-numbered in red ink.

Page I

This page has the words "HOLSTER INCLUDED" near its top center and appears to be a copy of a card label that would surround a product canister packed in a clamshell arrangement with the trigger oriented to the right.

- 1. The claim "30 Foot Fog" seems is acceptable if it is accompanied by a graphic of a person spraying the product which illustrates what is meant by the "Fog" part of the claim. The 30' distance part was supported by spray pattern tests that Guardian submitted in 1998 in both written and videotaped form. If UDAP's product is identical in composition and container size to the product that achieved the 30-foot distance in Guardian's tests, the 30-foot claim may continue to be made for it.
- 2. Delete the statement

"Wisdom is Better than Strength" Ecc 9:16.

With no context and presented as a scripture citation, this item is, at best

A true statement used in such a way as to give a false or misleading impression to the purchaser.

Therefore, it falls into one of the 10 categories of "false or misleading" statements that are prohibited from being made on pesticide labels or labeling. See 40 CFR, §156.10(a)(5)(vii).

Page 2

This page also appears to be cardstock which is to be included in clamshell packaging and may be the flip side of Page 1. The following items of text on Page 2 must be deleted:

- 1. "For Safety Tips visit udap.com"; and
- 2. "UDAP Industries concerned with Your Safety and the preservation of life."

Referring to the web site makes the web site "labeling" as defined in FIFRA. EPA has no program for pre-implementation review of registrant's websites and no reliable means for reliably purging websites of objectionable information. The contents of company websites constitute electronic literature which is not covered by the exclusions granted

to certain governmental agencies and research institutions under $\S2(p)(2)(B)$. On several occasions, most recently on October 20, 2003, we have visited the referenced UDAP web site. In each instance, we have found material that was questionable, misleading, and/or clearly false. As the web site would be rejected as labeling, no element of printed labeling may refer to it without also being rejected.

The statement to the effect that UDAP is "concerned with Your Safety and the preservation of life" contains a safety claim and a misleading inference that UDAP is uniquely concerned with its customers' safety (as opposed to unnamed other producers of bear pepper sprays). While it seems clear that UDAP is concerned with personal safety and that the "preservation of life" expression refers both to humans and to bears, such concerns are unlikely to be UDAP's alone.

Page 3

This page also appears to be a photocopy of card stock for clamshell packaging. However, it appears that the copied stock is larger in size than Page 1 or Page 2 and may pertain to a larger container size. In any event, there is much text on Page 3 that is not acceptable. Delete the following phrases or statements:

- I. "As seen on TV!":
- 2. "LIFE saver";
- "Wisdom is Better than Strength" Ecc 9:16;
- 4. "We are dedicated in helping safeguard people from bear attacks!";
- 5. "Thank you for Being Prepared with UDAP Pepper Power Bear Deterrent";
- 6. 'UDAP's unique "Shoot from the Holster" designs!;
- 7. the reference to UDAP's web site; and
- 8. the listing of offerings of the product in "6.3oz-180g" containers.

Taking the last first, we note that our past assessments regarding the amount of spraying time available have led to a conclusion that containers holding less than 225 g (7.9 oz) of product probably do not supply enough material to accommodate a brief practice trial and still leave sufficient material inside so that the user is certain not to run out of spray during one or more encounters with bears.

In spray trials with BearGuard, a 180-g unit was functionally evacuated of contents in 3.38 seconds and seemed to yield a thinner spray pattern than did the larger containers that were tested. In fact, a 225-g container that was tested had only 4.04 seconds of useful spraying time, which we judged to be barely adequate.

The "As seen on TV!" phrase appears to be a (presumably) true statement that is being used to mislead. However it was that Pepper Power might have come to be "seen on TV", one inference that may be drawn from the phrase is that such media exposure indicates that the product is superior to others which have not been "seen on TV".

The "LIFE saver" claim seems to be a "false or misleading" efficacy claim as well as a (presumably) true statement being used to mislead. While it seems likely that Pepper Power, as currently formulated, has blunted some attacks by bears and may have saved some lives, it is quite a leap from such presumed outcomes to imply, as "LIFE saver" does to us, that one's worries are over if one carries the product. As (quite different) statements regarding the product's limitations are required to be on the canister label, the relatively conspicuous "LIFE saver" claim also detracts from required label text, which also would render the product "misbranded".

"Wisdom is Better than Strength" Ecc 9:16' is discussed above (for "Page I").

The statement "We are dedicated in helping safeguard people from bear attacks!", although probably true, is misleading to the extent that it implies that UDAP is somehow unique among producers of bear pepper sprays in that regard.

"Thank you for Being Prepared with UDAP Pepper Power Bear Deterrent" and "Be Prepared!" are borderline statements which may be intended in part to strike a familiar note with current and former Boy Scouts. The first of these statements especially, implies that one who carries Pepper Power is prepared for all that a bear encounter might entail. Anyone inferring that would be misled to an extent, unless he/she also read the entire label, which other text on Page 3 commands. We previously have accepted "Be Prepared!" by itself and continue to do so.

We would like to know more about 'UDAP's unique "Shoot from the Holster" designs! before deciding whether to allow the claim. The major issues are whether UDAP's holsters actually are "unique" and whether firing pepper spray from them is the best approach -- or even an appropriate approach -- in terms of effective and safe use of the product. Based on the information available to us at present, the claim should not be allowed.

As noted above, referring to web sites on pesticide labels turns the entire content of the web site into labeling -- unaccepted and unacceptable labeling in this and every other case that we have examined.

Page 4

Page 4 appears to be a copy of card stock for clamshell packaging for a canister with the trigger oriented to the left and seems likely to be the flip side of page 3. Much of Page 4 is devoted to what appears to be a presentation of the product's "DIRECTIONS FOR USE" that is faithful to the content of that section as it appears on the canister label. That material is acceptable. As other required label text may be blurred or otherwise obscured by the clamshell packaging and the curved surface of the canister, we feel that all required label text should appear on the card stock.

Page 4 also shows photographs of a bears (seemingly grizzlies) and a bloodied Mark Matheny. Between the two pictures is an account of how Matheny came to be bloodied on 9/25/92 and how "a small 4 oz can of pepper spray (not a bear spray)" applied by his hunting companion saved Matheny's life. The account notes that the product used was not UDAP Pepper Power and indicates that the event was the transforming incident that motivated Matheny to go into the pepper spray business.

After much consideration, we have concluded that this material should not appear on the label for 72007-1. The narrative implies that small containers of unregistered (antipersonnel) pepper spray are of some value against bears. We will not accept any label text which might serve to encourage use of unregistered pepper sprays against bears or other vertebrate pests.

The following statements on Page 4 must be deleted:

- UDAP Industries "concerned with your safety";
- 2. "Thanks to God, a friend, and pepper spray, I am still here." Mark Matheny, President- UDAP Industries.'
- 3. 'UDAP's unique "Shoot from the Holster" designs, providing silent and easy access to the trigger; and
- 4. two references to UDAP's web site.

We already have discussed the problem with claiming concern for others' safety, referring to the company's web site on labeling, and the "Shoot from the Holster" business. The quote attributed to Matheny has basically the same problems as the account of his life-threatening experience.

Page 5

Page 5 shows 6 copies of rectangular label panels, including 3 which illustrate a person's hip and hand plus a hip-mounted holster and 3 which suggest a bear claw causing injury. These panels seem to pertain to different packaging arrangements and/or container sizes. The panels bear very little text but contain the following items that must be deleted:

- a reference to UDAP's web site:
- 2. use of the word "Magnum" with reference to the "#15" packaging of "Bear Spray".

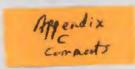
We have discussed references to the web site already.

The problem with "Magnum" is that it is commonly associated with firearms, which bear pepper sprays clearly are not. That makes "Magnum" misleading on the label, even though your main intent may have been to refer to your largest container size.

Page 6

Page 6 shows photocopies of 3 rectangular items which seem to be top or bottom card stock for clamshell packaging or top-of-the package stock for plastic-bag packaging. Whatever the case, 2 of the 3 items pertain to a "#12CP" product and the other to a "#15 CP". Some of these elements of labeling include references to the web site and another rendition of

'UDAP's unique "Shoot from the Holster" designs, providing silent and easy access to the trigger'.



For reasons indicated already, this phrase and all references to the web site must be deleted.

"Advertising claims for UDAP Industries Inc., Pepper Power Bear Deterrent"

Your "Appendix C" item lists 65 claims that it appears that you would like to make for 72007-1. Some of these claims have been discussed already, but all are listed and discussed individually below.

"I. 2Q outside curl, internally lined, seamless aluminum can."

If accurately reflective of the product's canister, this phrase would be acceptable. At this point, we can only confirm that the Pepper Power can that we inspected appears to be both aluminum and "seamless", except for slight overlapping of the printed label affixed to it.

"2. 30 foot fog"

This representation is acceptable when it covers the illustration mentioned above. Presented by itself, "30 foot fog" might be misleading to some readers.

"3. Affects eyes, nose and lung tissues instantly"

Assuming relatively accurate delivery, the "eyes" part of the claim would be true and the "nose" part pretty likely. We are not sure whether "lung" tissues are reliably or always "instantly" affected. It would be better to revise the item to "Affects eyes and nose rapidly".

"4. All Holsters designed for immediate access"

From the standpoint of personal safety (considering risks from the bear and the product), removing the canister from the holster and spraying while holding it at arm's length would seem to be preferable to the shoot-from-the-hip" and "shoot-from-the-chest" arrangements which the holsters allegedly permit. This is would be true especially for a product that "Affects eyes, nose and lung tissues instantly".

We tested a shoulder holster arrangement and found that the process of removing the canister, removing the safety clip, putting the canister into firing position, and depressing the trigger took what seemed to be less than 2 seconds. We were not sure what to do with the holster's snap strap, so we tried few different snapping arrangements. With the strap run finger hole, the chances of the canister falling out or turning within the holster were greatly reduced, but the user would have to remember to unsnap the strap before de-holstering (drawing) the unit as the snap tends to hold firm when one tries to draw a snapped-in canister. In the urgency of a bear charge, a strap run through the finger hole might be a significant impediment to making the product use-ready, unless the shoot-from-the-holster approach were used. If the strap is not threaded through the hole but just over one side of the top of the canister, the canister can be de-holstered readily but also might turn in the holster prior to need for its use.

Removing the safety clip and depressing the trigger can be effected very quickly with the canister still in the holster, but at a sacrifice of ability to aim and, we suspect, a greater likelihood of significant product exposure for the applicator. We acknowledge that

there may be times when the potential for increased risk from the product should accepted so as to reduce the likelihood of being harmed by the bear.

By itself, "All Holsters designed for immediate access" is a bit misleading. The problem could be fixed by adding words which indicate whether "immediate access" means "rapid removal" or "use while still holstered".

- "5. As seen on the discovery channel"
- "6. As seen on TV"

As discussed above, phrases such as these appear to be (presumably) true statements used to mislead.

"7. Be prepared"

See prior discussion of this item. Although one who carries bear pepper spray is not "prepared" for all possibilities in bear encounters, it seems true enough that carrying pepper spray is an important component of "being prepared". Stated in this manner, "Be prepared" remains acceptable.

"8. Bear 911"

This one seems to be false. The allusion to the emergency assistance telephone number does not fit with the product, which, if successful, would provide a line of self-defense rather than a seeking-assistance line. If the bear pepper spray did not prevent injury, making use of the real "911" likely would then be in order.

"9. Bear Spray is proven your best defense in a bear attack."

This one is false or misleading in every particular as it claims the type of product that Pepper Power is to be superior to all possible alternatives and uses the word "proven" in doing so. While suggesting that bear pepper sprays often deter bear attacks, the existing data base on the efficacy of bear pepper sprays includes negative examples and is not of the highest scientific quality imaginable. The current data base is largely silent in the area of comparing of pepper sprays to other remedies, although some accounts of failed uses of other approaches are mentioned.

"10. Bear attacks"

Without context, this one makes no sense and cannot be evaluated appropriately. Delete it.

"II. Bear spray works"

This one seems to be true, usually, and could be used on labels and labeling.

"12. Bear spray with experience"

This one is false and misleading in that the "experience" to which it alludes is in the life histories of people rather than the contents of the container. It also seems to imply a favorable comparison with unmentioned products which might be inferred to be

"inexperienced" and/or "novices".

"13. Concerned with your safety."

As discussed above, this one seems to imply that UDAP is uniquely "Concerned". It also could be argued to be a claim of product safety rather than safety from bears, but that would be stretching things a bit in my view.

"14. Concerned with your safety and the preservation of life."

See item "13." immediately above and the prior discussion of this specific claim ("Page 2" of the clamshell labeling).

"15. Crosses over Canada border"

[DAN PEACOCK:

Check this claim against the current policy regarding whether U.S.-registered bear pepper sprays legally can be taken into Canada for use. I recall discussions of the matter and Canada's concerns about making bear pepper sprays generally available due to their potential use as offensive weapons in the perpetration of crimes. Although it would be useful to U.S. citizens preparing for outdoor activities in Canada to know whether they can take their pepper sprays with them, I feel that phrases such as "Crosses over Canada border" should not be permitted at this time. If there is a policy which allows our products to be taken into Canada, the promotional statement should be consistent with that policy (e.g., "This product may legally be taken into Canada for personal use but not for resale", if that is the policy). If there is such a policy, it would not apply only to Pepper Power but also to any U.S. registered bear deterrent, perhaps with a stipulation that the formulation must also be registered in Canada.]

"16. Deters bears on contact"

This one is a bit misleading because the "contact" would have to be with the eyes and mouth for the product to have much chance of success.

"17. Deters bears from aggressive attacks"

This one is acceptable as bear pepper sprays have been reported to have such effects (i.e., stopping attacks that are in progress).

"18. Deters bears from attacking"

This one is seems misleading. There is little evidence to suggest that spraying the product at bears who are not already attacking prevents such attacks. Even when "ambush" applications were made to bears feeding in garbage dumps, there is no evidence that those bears would have attacked and, therefore, no evidence that attacks were prevented.

"19. Disperses the most active ingredients in the shortest amount of time"

Of the bear pepper sprays registered in the U.S., 71920-1 had the highest combined

concentration of "Capsaicin and related capsaicinoids" and the shortest total evacuation times, container capacities being equal. It is not clear that either of these characteristics, assuming that they convey to 72007-1, would make it superior to competing products. Therefore, "Disperses the most active ingredients in the shortest amount of time" is a true statement being used to mislead, and is therefore prohibited under $\underline{40~CFR}$ §156.10(a)(5)(vii) and implies a false or misleading favorable comparison with other pesticide products, and therefore also is prohibited under $\underline{40~CFR}$ §156.10(a)(5)(iv).

"20. Effective range up to 30 feet"

Spray pattern data claimed to be relevant to this product included demonstrated impingement of spray particles on vertical targets located 30' from the canister's opening. However, the former registrant did not do bioassays showing the product to be effective against bears at that range. As we have allowed "Effective range" claims based upon the results of spray pattern tests along, however, the claim "Effective range up to 30 feet" is permitted for this product in 225-g and 260-g containers).

"21. Each batch is coded and has an expiration date of three years"

Assuming that such batch codes and expiration dates are to be indicated on containers, this claim would appear to be generally true. Whether you or Guardian Security demonstrated that 3 years is how long the formulation and its container-delivery system remain functionally intact are is not fully clear.

"22. Fog pattern"

In the context of the graphic (discussed above) which shows what is meant by "Fog pattern", this one would be acceptable. By itself, it is a bit misleading because the spray does not "fog" an entire area but rather is applied as a directed spray. Therefore, "Fog pattern" must be deleted.

"23. Formulated for lasting airborne disbursement"

There is no evidence that Pepper Power is superior in this regard to other bear pepper sprays or, for that matter, aerosol products in general. Therefore, the claim is misleading and must be deleted.

"24. Grizzly attack survivor Mark Matheny Produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop attacks!"

It is not clear to us whether Mark Matheny or UDAP "Produces" the products to which the claim alludes or whether Guardian and/or others make them and UDAP's name just goes on the package. Therefore, the truth of the "Produces" part is not established. Allusions to personal defense products and/or uses on pesticide labels is not permitted. The text "registered bear sprays to stop attacks!" seems to imply 100% successful use but is "saved" technically, by context which suggests that stopping attacks is the intended function of the product rather than a guaranteed result. For now, delete the claim and, if you choose to pursue it further, submit a revised claim based upon our comments in this paragraph.

"25. Glow in the dark safety Clip"

This one is true, as we recently have and previously had verified.

"26. Have confidents [sic] and peace of mind by having easy access to any of our pepper power products"

Delete this claim. Pesticide labeling should only refer to the specific pesticide product(s) to which it applies. 72007-1 is your only registered pesticide product at this time. Any "confidence" resulting merely from the carrying of bear pepper spray is apt to be misplaced (especially if the canister also is); and any "peace of mind" could be shattered by a sudden encounter with a bear, Pepper Power handy or not.

"27. High-emission, fire-extinguisher style spray pattern"

This one seems likely to be true.

"28. High volume, powerful blast"

This claim would be likely to be true if the basis for comparison were other aerosol products. Many other products have higher volumes and produce more powerful blasts of one sort or another. On balance, the claim seems a bit misleading and, therefore, should be dropped.

"29. Highly visible fog"

The "Highly visible" part seems true enough during daylight hours when red-orange OC sprays should be quite visible. The "fog" part is true only in a certain context, which the phrase under discussion does not provide. Changing it to "Highly visible spray" would fix the problem.

"30. Hot red pepper"

This one is false. Although Oleoresin Capsicum extract is in the product, what comes out of the container is not red pepper.

"31. Large rectangular nozzle"

This one is true if the context is understood to be limited to aerosol nozzles. As we doubt that there is much room for confusion on that score, the claim may stay.

"32. Liquefied propellant high-emission"

[DAN PEACOCK:

This one should be run by a product chemist for assessment of truthfulness. It is not clear that this phrase would influence anyone to buy the product.]

"33. Manufactured to ISO Standards"

This one seems to imply a favorable comparison to products not claimed to be so manufactured. Therefore, it must be deleted.

"34. Made from oleoresin of capsicum"

This one is consistent with the current Confidential Statement of Formula (CSF) on file for this product.

"35. Mark Matheny, President UDAP Industries, since 1994, a grizzly attack survivor"

This text typically appears under a picture of a bloodied Mark Matheny, and we have tolerated it in the past. A competitor has complained that the picture falsely implies that Pepper Power saved Matheny's life when the competitor's product -- an unregistered version of Counter Assault -- actually was used. However, we find that allusions to the period of illegal sale of bear pepper sprays are not appropriate for pesticide labeling. At the very least, therefore, the "since 1994" phrase should come out of the photo caption.

Whether having survived a grizzly attack makes Matheny more qualified as a "producer" of bear pepper sprays and, for that or other reasons, more deserving of business than his competitors could be argued.

"36. Mark Matheny a grizzly attack survivor produces a complete line of Pepper Power pepper sprays and EPA registered bear sprays to stop aggressive attacks!"

This combination of claims "24." and "35." has most of the problems identified for each of them: whether it is true that Matheny "produces" the products to which the claim alludes; the allusion to personal defense products on pesticide labeling; the issue of whether "registered bear sprays to stop aggressive attacks!" is a claim of 100% effectiveness; and the whole business of what one might infer from the bloody Mark Matheny picture that is likely to accompany item "36." To fix these problems, delete all of the text after "survivor".

"37. Non-Flammable"

[DAN PEACOCK:

This one should be checked with a competent product chemist. Judging from the CSF, it looks to me as though the product's propellants could burn which, I have been told, would not necessarily make the "flammable" under FIFRA. The canister's accepted precautionary labeling includes the usual warnings for aerosol containers including prohibitions against puncturing and storing "near heat or open flame". I feel that it would be a bad idea to put "Non-Flammable" on the labeling for an aerosol product and that such a claim could be regarded as detracting from required label statements. I also pity the poor soul who sits too close to a camp fire with a can of Pepper Power shoulder-holstered in the chest area because "Exposure to temperatures above 130°F may cause bursting."

"38. No Bear Spray Hotter"

Delete this phrase. If the assertion is true (and it is consistent with claimed concentrations of active ingredients on registered bear sprays), the claim would represent use of a true statement to mislead. It is not established that increasing levels of Capsaicin and related capsaicinoids beyond the 1.4% level (or so) makes a product a better bear pepper spray, whether or not it is detectably "hotter". Risks to applicators might well increase with increasing "hotness".

"39. Non-lethal"

Delete this claim, which has several potential meanings. The most obvious seems to be that it does not kill bears. This seems to be true, although there might be a freak chance of bear death due to allergic response and/or significant pulmonary damage.

A second meaning might be that it nobody dies, not the bear or the person. Certainly, that is the intent behind development and use of bear pepper sprays, but there is some evidence of less than perfect performance for these products.

A third meaning might be that it does not kill the applicator. There is some risk of self-exposure with bear pepper sprays due to wind direction, close-up (to the bear) use, and general panic and flustering. Pepper sprays used by police for crowd control occasionally have put humans in dire straits, and the same could occur with the bear products.

In the end, "Non-lethal" must be disallowed under 40 CFR §156.10(a)(5)(ix) as it implies a claim of safety.

"40. Powerful blast fog pattern"

Delete this claim as proposed. Without the "Powerful blast" part and with the graphic (a la Page I) illustrating what "fog pattern" means, this claim would be acceptable.

"41. Powerful dispersion"

Presented without context, "Powerful" has an ambiguous meaning and, therefore, is potentially misleading.

"42. Preferred by back country professionals"

Delete this claim. Despite various testimonials and the "Articles of credibility" (see below), this claim is unsubstantiated and misleading. The claim implies that more of whatever "back country professionals" means prefer Pepper Power to all of the other bear deterrents; but, technically, it means only that at least two "back country professionals" prefer it. The phrase also might be inferred to mean, "If you use any other product, you will be using what green-horn novices use and, therefore, will be exposed as being one of them." In all cases, the accuracy of the phase is questionable. However, it implies a favorable comparison with unnamed competitive products. As such, the claim is expressly prohibited under 40 CFR §156.10(a)(5)(iv).

"43. Proven in many bear attacks"

Delete this phrase. Neither you nor Guardian have provided anything more than testimonials regarding the effectiveness of this product under what were reported as actual use situations. While those accounts have been highly laudatory, your "free-canfor-an-account-we-can-use" policy (as indicated in the brochure discussed below and on your web site) seems to encourage no other type of submission. Under such circumstances (free-can-for-a-good-story), it is possible that some if the testimonials that you received are more realistic than real. While the number of accounts submitted may approach a reasonable concept of what is meant by "many", the quality of the information provided comes nowhere near the claim of "Proven".

"44. "Produced by a Grizzly Attack Survivor."

This one is misleading and may also be false if UDAP still does not actually produce the product. It is misleading in any case because it implies that the product is better or more deserving of purchase because of the past history of its alleged producer. It seems unlikely that having been attacked by a bear qualifies one uniquely to produce bear pepper sprays, although such an experience clearly could motivate one to do so.

"45. Proven formula"

This one has the problems mentioned above with respect to "Proven". Even if good quality efficacy data had been submitted for this product and documented to be relevant to its current composition, "Proven" would be too strong a claim to allow.

"46. Proven to stop aggressive Bear attacks"

This one has the problems with "Proven" plus the false and misleading claim of 100% efficacy. It must be deleted.

"47. Shotgun blast pattern"

This one is false. A shotgun disperses heavy, macroscopic particles which retain essentially the same size until they rapidly fall to earth. A bear pepper spray can disperses aerosolized particles which get smaller with increasing distance from the source and which may remain airborne for some time and be readily carried by the wind. This claim has been made for other bear pepper sprays, and we have consistently disallowed it.

"48. Sophisticated oil base formula"

This one is, at best, a misleading statement about the composition of the product and, therefore, is prohibited categorically under 40 CFR §156.10(a)(5)(i). We do not know exactly what would make an "oil base formula" be "Sophisticated" but doubt that there is anything that is super special about the formula for 72007-1. Oleoresin Capsicum is itself an oil, and that appears to be the only oil in the product's formulation.

"49. spray 'em -- don't slay 'em"

This item reflects the philosophy behind using bear pepper sprays but does not promise 100% effectiveness. Therefore, this text is acceptable.

"50. Started by a grizzly attack survivor"

Again, it is not clear whether Matheny makes this product now or whether he ever did. If he was not the first to make it in its registered form (which almost certainly is the case), the statement is false. While being a "grizzly attack survivor" appears to have altered the course of Matheny's professional life, it does not necessarily mean that his product, made by whomever, is the best of its kind.

"51. Stop attacks"

This one is misleading. The product is to be used to "Stop attacks"; but the isolated

phrase seems to imply that it always will and, therefore, to be a misleading claim of 100% efficacy which could be shown to be wrong by a single negative example.

"52. 'Thanks to God a friend and Pepper spray I am still here' Mark Matheny UDAP President."

Out-of-context, this one implies that Pepper Power plus a friend and The Almighty saved Matheny. This clearly was not the case with respect to Pepper Power. Even with that problem addressed by additional text, there still are problems with possible implications to the effect that God's providence spared Matheny just so he could provide you, the customer, with Pepper Power. There might still be some way for the label to state that Matheny became sold on the idea of bear pepper sprays after one was used to save his life without referring directly to the time of illegal use, without implying that his life was saved by Pepper Power, and without introducing statements that are false or misleading in any particular.

"53. The foggers [sic] enhanced range; broad spray pattern and inhalable particle size make it the most effective tool to stop a bear attack. Simply by virtue of its ability to disperse large amounts of OC into the air.

This one must be deleted as it contains a false or misleading comparison to other pesticides and implies that it produces a uniquely effective "inhalable particle size" that (those inferior) competitive products simply do not. We have no data on particle sizes that would enable us to assess that part of the claim further.

"54. UDAP Bear spray works!"

This statement is likely to be true and does not obviously malign other products. As use of the exclamation point might be taken by some as an indication that it really is news when a bear pepper spray works (because the other products are so inferior), it should be replaced by a period.

"55. UDAP Industries, Bear spray with experience"

Delete this claim. People have experiences, but cans of mixed chemicals do not. As noted previously, claims of this nature imply that UDAP's products are seasoned veterans while the alternative products are virtual babes in the woods. The Counter Assault product was under development and/or on the market for the better part of a decade before Mark Matheny got mauled. As all of the marketing history of the Counter Assault product prior to May of 1998 was illegal, however, it is not appropriate to refer to any "experience" with any bear pepper spray that predates that time.

"56. UDAP has proven to be the pacesetter for the pepper spray industry."

This statement makes a favorable comparison between UDAP and all of its competitors in the "pepper spray industry", whether or not they are in the bear pepper spray business. Such a gratuitous assertion is inappropriate for pesticide labeling and may well be found to be false, depending upon what one infers "pacesetter" to mean.

"57. UDAP is headquartered in the foothills of the Gallatin National Forest south of Bozeman Montana"

None of this information would make Pepper Power better than any competitor's product. Other than to imply that this product comes from real bear country, there seems to be no reason for making this statement. It should be deleted. Anyone who would want to make a purchasing decision for bear pepper spray based upon its producer's place of business can obtain the information needed from the registrant's address and, more accurately (for the initiated), from the establishment number.

"58. Very effective"

This one is misleading at best. There is no reason to expect that 72007-1 is more effective than other U.S.-registered bear pepper sprays. If the other products are "hot enough", it is not clear that being "hotter than hot enough" would confer any specific performance advantage; and the Pepper Power cans empty very rapidly.

"59. Very hot bear spray"

This seems to be true as a description of the product. Some might infer from it, however, that products with lower concentrations of Capsaicin and related capsaicinoids are "not so hot". This one is "borderline" but must be deleted as it implies a false or misleading comparison to other products.

"60. Wisdom is better than strength! Ecc. 9:16"

For reasons discussed above (Page I of the clamshell labeling), this one must be deleted unless an appropriate and non-scriptural context is provided for it (see discussion of brochure).

"61. We go the distance for your life"

What "distance"? The 30 feet of the "fog" spray pattern? This one is misleading at best and, therefore, must be deleted. It also might be construed as including a favorable comparison between UDAP and "sprinter" competitors who just cannot manage "the distance".

"62. We are dedicated to helping safeguard people from attacks and to help co-exist with our wildlife"

This one seems likely to be true and provides a rather concise statement of a major reason why the company might be selling bear pepper spray.

"63. www.udap.com"

As noted above, references to web sites do not belong on pesticide labeling as they cause the contents of the web site also to be labeling. Past visits of registrants' web sites, even those of producers of bear pepper sprays, have shown them to be replete with false or misleading statements including specific text that we have required to be deleted from printed labels. Even if a company were to clean up its web site and submit its contents for our review, we would have no guarantees that the contents would not be altered later.

"64. www.pepperpower.com"

See comments for item "63."

"65. Zero ozone depletion potential."

This one is an absolute claim of safety for one aspect of environmental contamination and must be deleted on that basis.

[DAN PEACOCK:

This is another one that should be run by a qualified chemist. The phrase "Zero ozone depletion potential" implies that nothing in the product could possibly adversely affect ozone, whether the protective "up high" ozone layer or "down low" ozone which adversely affects air quality. Even if the jury is still out on these questions with respect to the contents of this product, the claim should be disallowed because of its absolute nature.]

"Testimonials Stories from Actual Encounters with Bears"

These items report dramatically successful results, with injuries to the individuals involved having been avoided or greatly limited through use of UDAP Pepper Power and with a single spraying being all that was needed in almost every case. Many of these incidents predate the registration of BearGuard (71920-1), the former parent product for Pepper Power. As they come from the period of illegal sale, such accounts may not be used. We also have no documentation on file which confirms the composition of the product during its period of illegal sale.

Regarding incidents that occurred after Pepper Power was being offered for sale as a distributor product (71920-1-72007) for BearGuard, we note that the offer of a free can of product for a highly affirmative testimonial might have provided incentive sufficient for some of the respondents to embellish or fabricate accounts of product use. This is not to say that the accounts are not fully accurate, but rather that our confidence that they are is undermined.

It also is clear from other documentation on hand with us that certain of the accounts have been edited, chiefly by insertion of the product name and/or its full distributor number. Even to be considered as worthy of inclusion on labeling, a testimonial must quote its originator exactly, with editing being limited to deletion of extraneous material, without altering the context for the quoted text that remains.

Based upon the preceding discussions and those (below) in our discussion of the brochure), we doubt that any of the testimonials will be acceptable for use on labeling.

"UDAP BEAR SAFETY TIPS" brochure

This item includes a "THANK YOU!" to people who buy Pepper Power bear pepper spray. Therefore, the brochure is intended to accompany the product in commerce and, as such, is considered to be labeling.

- On page 4, in the third sentence under "BE AWARE OF RECENT GRIZZLY ACTIVITY", change "a grizzlies claw" to "a grizzly's claw".
- On page 6, in the second sentence under "BODY LANGUAGE OF BEARS", change "in of itself" to "in and of itself" (or "by itself").

- 3. The second bulleted item on page 8 seems somewhat self-contradictory as written. It appears that the intended message is that one should not stare at a bear that is acting as though the person is a threat but should stare at a bear that is acting as though the person is dinner. A suggested revision is shown below.
 - Break eye contact if a bear is acting aggressively. Do not stare at the bear's eyes as that is a sign of aggression. If the bear is acting predactiously, however, stare at it and otherwise act aggressively.
- 4. On page 12, in the next-to-last sentence of the fourth paragraph under "IF A BEAR COMES INTO YOUR TENT", insert something appropriate, legible, and intelligible after "Use". The copy of the brochure that we received has obscured letters between "Use" and "Fight back or die!".
- On page 13, in the first sentence under "UNDERLYING CAUSES OF BEAR ATTACKS", delete the comma between "population" and "regulation".
- As this document is to be labeling, the Biblical quote on page 14 should be dropped. If the victim believes that God helped him survive, the direct quote which suggests that may remain in the booklet as part of the story of "UDAP PEPPER POWER BEAR DETERRENT'S BEGINNINGS".
- 7. The story itself must be completely truthful and not contain any statements that are "false or misleading in any particular." In this regard, we are not sure of the accuracy of the material beginning with the sentence

Since then, he [meaning Mark Matheny] has dedicated himself to improving a product designed to safeguard people against maulings, and to help them better coexist with wildlife.

It has been our understanding that Pepper Power was made by another entity and that UDAP's name and label was put on that entity's product. We have no firm understanding of what role, if any, Mark Matheny played in the actual development of the product. It is clear that he has been heavily involved in its promotion. Please explain how the product got from concept to its various commercial presentations.

- 8. The story states that a small-size, unregistered pepper spray was sufficient to spare Mark Matheny from further mauling by a grizzly sow. However, noting that running out of material quickly was a problem and that Matheny perceived that a better product was needed helps to blunt the impression that a 4-oz container of any pepper spray would be sufficient.
- The sentence which introduces the testimonials should have the spelling of "using" corrected and should present the EPA registration number accurately.
- 10. Although there is a risk that they can provide a mechanism for introducing claims that otherwise would not be allowed on labeling, having testimonials in this brochure might provide useful documentation for some of the general points made earlier in the brochure. However, the conditions listed below apply to use of testimonials.

- a. All testimonials pertaining to use of Pepper Power before it was covered by a Federal pesticide registration must be deleted as they do not relate to the registered product. Based upon information available to us, this means that, at the very least, the testimonials attributed to the following individuals must be deleted: Jeff Buckingham, Eric Leach, Patrick Poppe, and Nate Vance. For the same reason, it probably will prove to be necessary to delete the testimonials from Mike Lapinski and David Nyreen, from whom was received at least one account of an incident predating the registration of BearGuard and perhaps an account of a second incident. For the same reason, accounts of the incident involving Gary Clutter may not be used.
- b. Any testimonials which remain must appear entirely in the words of the person supplying the information, with no material added or deleted that would alter the reader's impression of the incident.
- c. So as not to be misleading, testimonials in the brochure should be representative of those received by the company, with the words of lessthan-fully-satisfied customers also being included. Accounts of less-than-fully successful uses also may serve instructional purposes with respect to timing and distance of application, effects of weather conditions, and do's and don't of human behavior before, during, and following encounters.
- d. Testimonials from persons who have ongoing business relationships (other than repeated purchases of pepper spray for personal use) with UDAP or who are personal friends of Mark Matheny, his family, or any UDAP employee must be deleted or the nature of such relationships must be fully described.
- e. Testimonials which imply endorsement of the product by any agency of the Federal government or by any employee thereof must be deleted.
- f. Any incentives -- financial or otherwise -- offered as inducements or provided in exchange for favorable testimonials must be fully disclosed, or all testimonials obtained under such circumstances must be stricken from the brochure. This may mean that no testimonials can be used, as "A Special Note to our Customers:" indicates that only those who report having used "Pepper Power TM Bear Deterrent to prevent an attack" will receive "a FREE replacement can in exchange for your story." Under those conditions, there would be incentives to provide only favorable accounts, perhaps embellishing them so as to qualify for a free can.
- 11. The "PRACTICAL PREPARATION" section of the brochure should be revised so that it is clear that group rehearsals of prospective users of Pepper Power must not include anyone being cast as the bear. Even with "inert cans" and almost certainly with "outdated cans" of live product, there would be significant likelihood of personal injury if someone were to pose as the attacking bear. (Some folks might infer that "outdated" cans no longer are hot rather than that the amount of "oomph" provided by the propellant might be on the wane.)

We suggest that the word "Rehearse" be replaced with "Practice" and that a precautionary sentence be added, such as:

During practice sessions, make sure that no one is sprayed with material from outdated Pepper Power cans or inert cans.

Hopefully, such text will dispel any notions that someone should pretend to be the bear.

- 12. Delete the references to the 1998 Bow Masters, Sports Afield, and Field & Stream articles on pages 20 and 21 as those are references to the period of illegal marketing of bear pepper sprays. The thoughts conveyed through use of passages from those articles could be presented more concisely without using the specific statements of their authors.
- 13. In the context in which it is presented on page 23 (under "BEAR SPRAY" and minus the reference to scripture), "Wisdom is better than strength" is acceptable. The words "with confidence and peace of mind" must be stricken from the last sentence of the first paragraph of this section. That sentence also should be broken into two sentences, ending the first with "attack" and clarifying in the second that the Pepper Power product used must be the bear spray. As modified, those sentences will read as shown below

In the pursuit of your activities, don't be prey for an attack. Stay alert, and be prepared by having easy access to our Pepper Power™ bear spray product.

- 14. The "DISCLAIMER" section begins on the bottom of page 24 of the brochure but in mid-word (at "other than its in-") with the bulleted "WARNINGS", which begin before the "DISCLAIMER", resuming at the top of page 25. Present the entire "DISCLAIMER" outside of the "WARNINGS" section.
- 15. In the "Safety Clip" bulleted item on page 25, change "attache" to "attach".
- 16. There are three questionable statements in the "Holsters" bulleted item on page 25. Fix the problem in the first sentence by replacing "safe and reliable" with "handy". Address the problem in the second sentence by replacing "prevents the can from being twisting, allowing it" with "allows the can". Fix the problem in the third sentence by deleting "extremely effective and" as well as "with integrity". As modified, the item will read as shown below.
 - Holsters The holster helps keep Bear Deterrent handy. Our holster allows the can to be pointed in a ready position away from you. UDAP holsters are built for many years of service.

We were not sure how the snap-strap on the holster is to be used. If run through the index-finger hole, the strap limits twisting but also makes "drawing" (removal of the unit for firing) a slower and more complicated process. If run around the top of the canister, the strap seems to reduce the chance that the canister would fall out of the holster but does not seem to limit its potential to turn within the holster to any appreciable degree.

17. The "HOW DOES IT WORK?" section includes a first-person speaker "As I see it" and a reference to "Dr. Herrero and myself" without any indication of the speaker, Dr. Herrero's full name, or the source, if any, from which the passage

was lifted.

"Appendix F, Articles of credibility to display importance of product for educational purposes"

"Appendix F" is a collection of 8 one-page items, 7 of which are letters addressed to Mark Matheny with the other being a memorandum addressed to Matheny. In these items, various persons offer comments on what appears to have been a draft copy of the brochure just discussed. The comments range from positive to extremely positive. A few constructive changes are suggested. Most respondents concur with the idea of including such a brochure in the packaging of the product.

We concur with the idea of including the brochure within the product's packaging but note that such inclusion qualifies the brochure as "labeling" and means that its content must conform to the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Among other things, this means that the document may not contain statements that are "false or misleading in any particular". Those who commented on the draft document 5 years ago probably were not aware that the item would be held to the Federal standards for pesticide labeling or what those standards entail.

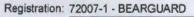
In order for the brochure to be accepted as labeling for 72007-1, it must be revised as indicated above.

William W. Jacobs Biologist Insecticide-Rodenticide Branch October 23, 2003

DATA PACKAGE BEAN SHEET

Date: 31-Jul-2003 Page 1 of 3

* * * Registration Information *



Company: 72007 - UNIVERSAL DEFENSE ALTERNATIVE PRODUCTS (UDAP)

Risk Manager: RM 07 - John - Hebert - (703) 308-6249 Room# CM-2

Risk Manager Reviewer: Daniel Peacock - DPEACOCK

Sent Date: 18-Jul-2003

Calculated Due Date: 09-Jan-2004

Edited Due Date:

Type of Registration: Product Registration - Section 3

Action Desc: DATA REQUIRED; TECHNICAL;

Ingredients: 070701

* * * Data Package Information * * *

Expedite: Yes No	Date Sent: 31-Jul-2003	Due Back:
DP Ingredient: 070701, Capsaicin		
DP Title:		
CSF Included: ○ Yes ● No Li	abel Included: Yes No Parent DP #:	
Assigned To	Date In Date Out	
Organization: RD / IRB Tack		ative Due Date: 28-Dec-2003
Team Name:	Negoti	iated Due Date:
Reviewer Name:	Projected Co	ompletion Date:
actor Name:		

* * * Studies Sent for Review * * *

Printed on Page 2

Additional Data Package for this Decision * * *

Printed on Page 3

Data Package Instructions * * *

Please review and comment as needed:

- 1. revised label (Appendix A)
- 2. revised supplemental labeling (Appendix B)
- 3. advertising claims (Appendix C)
- 4. bear testimonials (Appendix D)

5. brochure "Bear Safety Tips" (Appendix E)
6. "Articles of Credibilities" (Appendix F)

Thank You,

Dan Peacock

P.S. John will change the action code from 300 to 305.

June 24, 2003

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C) Office of Pesticide Programs, EPA 1921 Jefferson Davis Highway Arlington, VA 22202

RE: BearGuardTM Bear Deterrent EPA Registration Number 72007-1 Application for a label amendment

Dear Mr. Peacock:

UDAP Industries Inc. with this letter submits an application for the following amendment to the above registered product. The amendment has three separate parts. They are name, label, and advertising. Each part or portion of the amendment is described below:

A.) Name portion of the amendment

In commercial sale of its product, UDAP Industries is proposing to market the BearGuardTM Bear Deterrent product EPA registration number 72007-1 under the new name of UDAP Pepper Power Bear Deterrent. UDAP Pepper Power Bear Deterrent in the past has been a supplemental registration of the product BearGuardTM Bear Deterrent. UDAP Pepper Power Bear Deterrent's EPA registration number was 71920-1-72007. This name change will result in the name brand UDAP Pepper Power Bear Deterrent becoming the basic registration with the EPA registration number 72007-1.

B.) Label portion of the amendment

UDAP Industries is proposing a label amendment on two topics.

- UDAP Industries is proposing to change the graphics and text on the actual label itself. There will be additional text added and graphics. There will also be text deleted. UDAP Industries will provide a sample of the new label with these changes (See Appendix A).
- 2. UDAP Industries is also proposing to market the product in a plastic clamshell, with a paper insert. The paper insert will make additional claims for the product, as well as contact information. Because the unit will sell as a whole, we believe the paper insert should be supplemental labeling of the basic registration. In the case where the holster or paper insert may obscure the view to the label on the can, the labeling that is obscured will be included on the paper insert. UDAP Industries will provide samples of all additional labeling for the basic registration. (See Appendix B)

C.) Advertising portion of the amendment

UDAP Industries wishes to submit advertising claims for the basic registration. The advertising claims will not be included on the label or the proposed supplemental labeling, unless it appears otherwise on the label or supplemental labeling. Attached is a list of advertising claims. (See Appendix C)

Along with the list of advertising claims is material UDAP Industries deems important to the potential customer of Pepper Power Bear Deterrent. This material entails the following:

- a.) Testimonials using the EPA registered formula against attacking bears.

 (See Appendix D)
- b.) UDAP Industries "Bear Safety Tips" for avoiding attacks by bears.

 (See Appendix E)
- c.) Articles of credibility to display importance of product for educational purposes.

 (See Appendix F)

In support of the Amendment, enclosed you will find the following:

- 1.) Two Applications (EPA Form 8570-1).
- 2.) One copy of the EPA-stamped approved label for the product BearGuardTM Bear Deterrent.
- 3.) One copy of the supplemental distributor label Pepper Power Bear Deterrent used in the past.
- Five (5) copies of Appendix A, the new label proposed in the amendment under the new name Pepper Power Bear Deterrent
- Five (5) copies each of Appendix B, the proposed supplemental labeling, to be included in the plastic clamshell.
- 6.) Five (3) copies of Appendix C, containing advertising claims.
- Five (3) copies of Appendix D, containing testimonials using EPA registered formula against attacking bears.
- Five (3) copies of Appendix E, UDAP Industries "Bear Safety Tips" for avoiding attacks by bears.
- 9.) Five (3) copies of Appendix F, Articles of credibility to display importance of product for educational purposes.

Please contact me with any questions or comments you have.

Sincerely,

Mark Matheny President

UDAP Industries

Phone: (406) 763-4242 Fax: (406) 763-5052 e read instructions on reverse before completing form.

D292424 Bill Jacon Form Approved. OMB No. 2070-0060, Approved expires 2-28-95

Bill Jacobs

United States

	Registration
/	Amendment
	Other

OPP Identifier Number

SEPA	Environmental Washi	Protection		✓ Amen Other	dment	
		Application	n for Pesticide - S	ection I		
1. Company/Product Number UDAP Industries / 72007-1		Daniel B. Pea	Daniel B. Peacock		None Restricted	
Company/Product (Name) UDAP Pepper Power Bear Deterrent		0.110.00	Insecticide-Rodenticide Branch			
5. Name and Address of Ap UDAP Industries 13160 Yonder Road Bozeman, MT 59718		de)		72007-1	entical in co	FIFRA Section 3(c)(3) mposition and labeling errent
			Section - II			
Notification - Explain Explanation: Use addition	ponse to Agency letter below. nal page(s) if necessary ent for the name, lable an	y. (For section	Agency "Me To	inted labels in repso letter dated o" Application. Explain below. ar Deterrent EPA Re		1.
			Section - III			
1. Material Thie Product Wi Child-Resistant Packaging Yes No Pertification must be submitted	Unit Packaging Yes No If "Yes" Unit Packaging wgt.	No. per container	Water Soluble Packaging Yes No If "Yes" No. p Package wgt conta	er	of Container Metal Plastic Glass Paper Other (S	pecify)
	Container	4. Size(s) Reta		5. Location of L	Label Direction	ns
6. Manner in Which Lebel is	Affixed to Product	Lithogr Paper of Stencil	aph O	ther		
			Section - IV			
Contact Point (Complete Name Mark Matheny	items directly below for		o of individual to be contacto Title President	ed, if necessary, to		No. (Include Area Code)
I certify that the state	y knowlingly false or r	Certificat			complete.	6. Date Application Received (Stamped)
2. Signature Mont Mon	the	-	. Tide President			•:•:
4. Typed Name 5. Mark Matheny		5. Date June 26, 2003				

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

305 5-744033

October 23, 2003 E-Mail

Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59718

Attention: Mr. Mark Matheny

Subject UDA

UDAP Pepper Power Bear Deterrent

EPA Reg. No. 72007-1 Our letter of August 14, 2003

Your Amended Application of August 11, 2003

Addition of Two Additional Can Sizes

Purpose In your submission, you requested to amend your product registration to allow

two additional can sizes.

• As indicated in our last letter, before we are able to review this request, you need to format the spray pattern data according to Pesticide Registration

(PR) Notice 86-5, which you can download from our website (www.epa.gov/pesticides).

 As you will note, you need a title page, confidentiality page, and Good Laboratory Practices page as the first three pages of each set of data.

• In addition, you will to paginate the studies in a certain way: Page 1 of 10,

Page 2 of 10, etc.

• Also, you can review the proper format of the spray pattern data by

referring to the data that the registrant previously submitted.

Questions If you have questions about this letter or further issues about bear deterrents,

you can reach me by phone (703-305-5407), fax (703-305-6596), or E-Mail

(Peacock.Dan@EPA/gov).

Sincerely,

Daniel B. Peacock, Biologist Insecticide-Rodenticide Branch Registration Division (7504C)

Letter location Dan Peacock, Disk 128, A:\Capsaicin\72007-1, revised 10-23-2003, incomplete amendment.wpd

UDAP Pepper Power Bear Deterrent

EPA Reg. No. 72007-1

August 11, 2003, Amendment

Add Two Can Sizes [6.4 oz (180g) and 13.6 oz (380g)] to Existing Can Size [8.0 oz (225g)]

Appendix A: Labels for 6.4 & 13.6 Cans

Appendix B: 3 Copies (Unformatted) of Spray Pattern Test for 6.4 & 13.6 Cans

Appendix C: 1, 10 Min Spray Test Video

Appendix D: 3 Copies of Data for 6.4 oz Can

Appendix E: Letters of Credibility

Dan Peacock, Disk 128,A:\Capsaicin\720007-1,10-23-2003, summary of incomplete package.wpd

Appendix A

3 copres

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. CHEMICAL EMERGENCY: 1-800-535-5053

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE AND DISPOSAL

Do Not Puncture or Incinerate!

STORAGE: Store in a cool, dry place inaccessible to children and pets. Do not store in places where the temperature is above 120 F or below 32 F. Do not store in hot vehicle or in direct sunlight.

If empty: Place in trash or offer for recycling if available. If partially filled: Call your local solid waste agency or (800) 858-7378 (National Pesticide Information Center) for disposal instructions.

Disclaimer: To the extent allowed by law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper Power™ use against bear attacks. Please call 1-80€232-7941 for details.



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ CAREFULLY THE ENTIRE LABEL UPON PURCHASE & BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients: Capsaicin and related capsaicinoids* Inert ingredients TOTAL



M UDAP Industries P.O. Box 10808 Bozeman, MT 59719 1-800-232-7941

2.0%

98.0%

100.0%

Produced by a grizzly attack survivor!

CHEMICAL EMERGENCY: 1-800-535-5053
EPA Reg. No.: 72007-1 EPA Est. No.: 72007-MT-001

NET CONTENTS: 6.3 ounces (180g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or

appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 35 feet (9 meters).

This canister empties completely in approximately 3.72 seconds [180g container] 4 seconds [225g container] 5.4 seconds [260g container] 7.17 seconds [380g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power^{IM} in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip {Fig. 1}. With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray {Fig. 2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM:

Replace safety clip as illustrated (Fig. 3).







7

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. CHEMICAL EMERGENCY: 1-800-535-5053

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE AND DISPOSAL

Do Not Puncture or Incinerate!

STORAGE: Store in a cool, dry place inaccessible to children and pets. Do not store in places where the temperature is above 120 F or below 32 F. Do not store in hot vehicle or in direct sunlight.

If empty: Place in trash or offer for recycling if available. If partially filled: Call your local solid waste agency or (800) 858-7378 (National Pesticide Information Center) for disposal instructions.

Disclaimer: To the extent allowed by law, UDAP Industries, Inc. sholl not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. *Contact local law enforcement officiols about regulations concerning this product. Note: As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper Power* use against bear macks. *Please call**1.800:232-794** for denails.



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ CAREFULLY THE ENTIRE LABEL UPON PURCHASE & BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:
Capsaicin and related capsaicinoids*
Inert ingredients
TOTAL

P.O. Box 10808

Bozeman, MT 59719

1-800-232-7941

2.0%

98.0%

100.0%

Produced by a grizzly attack survivor!

CHEMICAL EMIERGENCY: 1-800-535-5053 EPA Reg. No.: 72007-1 EPA Est. No.: 72007-MT-001

NET CONTENTS: 6.3 ounces (180g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or

appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 35 feet (9 meters).

This canister empties completely in approximately 3.72 seconds [180g container] 4 seconds [225g container] 5.4 seconds [260g container] 7.17 seconds [380g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

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TO DISARM:

Replace safety clip as illustrated (Fig. 3).







DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. CHEMICAL EMERGENCY: 1-800-535-5053

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE AND DISPOSAL

Do Not Puncture or Incinerate!

STORAGE: Store in a cool, dry place inaccessible to children and pets. Do not store in places where the temperature is above 120 F or below 32 F. Do not store in hot vehicle or in direct sunlight.

If empty: Place in trash or offer for recycling if available. If partially filled: Call your local solid waste agency or (800) 858-7378 (National Pesticide Information Center) for disposal instructions.

Disclaimer: To the extent allowed by law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officiols about regulations concerning this product. Note: As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper Power! use against bear attacks. Please call 1-80G 232-7941 for details.



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ CAREFULLY THE ENTIRE LABEL UPON PURCHASE & BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:
Capsaicin and related capsaicinoids*
Inert ingredients
TOTAL
2.0%
98.0%
100.0%

WIND THE REAL PROPERTY.

M UDAP Industries P.O. Box 10808 Bozeman, MT 59719 1-800-232-7941

Produced by a grizzly attack survivor!

CHEMICAL EMERGENCY: 1-800-535-5053

EPA Reg. No.: 72007-1 EPA Est. No.: 72007-MT-001

NET CONTENTS: 6.3 ounces (180g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or

appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 35 feet (9 meters).

This canister empties completely in approximately 3.72 seconds [180g container] 4 seconds [225g container] 5.4 seconds [260g container] 7.17 seconds [380g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your bock to the wind in an area away from people and bears. Do not test-fire Pepper Power™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

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TO DISARM:

Replace safety clip as illustrated (Fig. 3).







F

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soop and water after handling. Remove contaminated dathing and wash clothing before reuse.

FIRST AID

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15 - 20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 — 20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. CHEMICAL EMERGENCY: 1-800-535-5053

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 1300 F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE AND DISPOSAL

Do Not Puncture or Incinerate!

STORAGE: Store in a cool, dry place inaccessible to children and pets. Do not store in places where the temperature is above 120 F or below 32 F. Do not store in hot vehicle or in direct sunlight. If empty: Place in trash or offer for racycling if available. If partially filled: Call your local sold! waste agency or (800) 858-7378 (National Pesticide Information Center) for disposal instructions.

Disclaimer: To the extent allowed by law, UDAP Industries, Inc. shall not be liable for damage injury, loss, direct or consequential including death arising-out of the use of, or inability to use this product. Contest local law enforcement officials about regulations concerning this product. Note: As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper PowerTM use against bear attacks. Please call 1-800-232-7941 for details.

power.

BIG" bear deterrent beprepared!

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A
BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME
UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE
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CAREFULLY THE ENTIRE LABEL UPON PURCHASE & BEFORE TAKING THIS
PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients: Capsaicin and related capsaicinoids* Inert ingredients TOTAL

2.0% 98.0% 100.0%



* UDAP Industries P.O. Box 10808 Bazeman, MT 59719 7-800-232-7941

Produced by a grizzly attack survivor!

CHEMICAL EMERGENCY: 1-800-535-5053
EPA Reg. No.: 72007-1 EPA Est. No.: 72007-MT-001

NET CONTENTS: 13.4 ounces (380g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears

which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysemo may have a more severe reaction.

This product has a range of up to 35 feet (10.7 meters).

This canister empties completely in approximately 3.72 seconds [180g container] 4 seconds [225g container] 5.4 seconds [260g container] 7.17 seconds [380g container].

APPLICATION DIRECTIONS: Special procedures must be tollowed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power¹⁶ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than o half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this

product before, you should obtain a UDAP training con and practice with it until you can perform, quickly and accurately, the activities described in the column below. TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety dip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM:

Replace safety clip as illustrated (Fig. 3).



Fig. 1



Fig. 2



413 Fig. 3

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. CHEMICAL EMERGENCY: 1-800-535-5053

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Oo not puncture or incinerate container. Exposure to temperatures above 1300 F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE AND DISPOSAL

Do Not Puncture or Incinerate!

STORAGE: Store in a cool, dry place inaccessible to children and pets. Do not store in places where the temperature is above 120 F or below 32 F. Do not store in hot vehicle or in direct sunlight. If empty: Place in trash or offer for recycling of available. If partially filled: Call your local solid waste agency or (800) 858-7378 (National Pesticide Information Cented for deposal instructions.

Disclaimer: To the extent allowed by law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inobility to use this product. Confact local law enforcement officials about regulations concerning this product. Note: As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper PowerTM use against bear attacks. Please call 1-800-232-7941 for details.

power.

BIG" bear deterrent BEPREPARED!

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A
BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME
UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE
EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ
CAREFULLY THE ENTIRE LABEL UPON PURCHASE & BEFORE TAKING THIS
PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients: Capsaicin and related capsaicinoids* Inert ingredients TOTAL

2.0% 98.0% 100.0%



UDAP Industries P.O. Box 10808 Bozeman, MT 59719 1-800-232-7941

Produced by a grizzly attack survivor!

CHEMICAL EMERGENCY: 1-800-535-5053

EPA Reg. No.: 72007-1 EPA Est. No.: 72007-MT-001

NET CONTENTS: 13.4 ounces (380g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has <u>no</u> deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contominated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 35 feet (10.7 meters). This conister empties completely in approximately 3.72 seconds [180g container] 4 seconds [225g container] 5.4 seconds [260g container] 7.17 seconds [380g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power^{fm} in an area where you plan to carnp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this

product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below. TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety dip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the occuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind

TO DISARM:

Replace safety clip as illustrated (Fig. 3).



Fig. 1



Fig. 2



414 Fig. 3

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated dothing and wash clothing before reuse.

FIRST AID

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power

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WALL TO SEE WAS A SEE WAS

* UDAP Industries P.O. Box 10808 Bozeman, MT 59719 I-800-232-7941

2.0%

98.0%

100.0%

Produced by a grizzly attack survivor!

CHEMICAL EMERGENCY: 1-800-535-5053
EPÄ Reg. No.: 72007-1 EPÄ Est. No.: 72007-MT-001

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This product has a range of up to 35 feet (10.7 meters).

This canister empties completely in approximately 3.72 seconds [180g container] 4 seconds [225g container] 5.4 seconds [260g container] 7.17 seconds [380g container].

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TO DISARM:

Replace safety clip as illustrated (Fig. 3).



Fin 1



Fig. 2



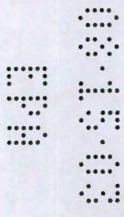
415 ig. 3

Appendix B

3 cepies

Defense Technology / Federal Laboratories 1850 S. Loop Rd Casper, Wyoming 82601

> 2% Major Capsaicinoid Bear Repellent Formula Spray Patten Tests



Defense Technology / Federal Laboratories 1850 S. Loop Rd Casper, Wyoming 82601

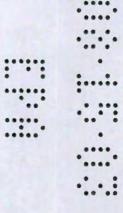
2% Major Capsaicinoid Bear Repellent Formula Spray Patten Tests

On 07-10-03 Defense Technology conducted testing to determine spray pattern dimensions at varying distances, duration of can output-measured in seconds, and maximum range.

The test was conducted at the Neosho test range in Casper, Wyoming, by the Research and Development Department.

This packet contains the protocols, diagrams, equipment list and result of the testing.

Questions or comments should be directed to Karl Scholz at (307) 235-2136 or faxed to 1-(307) 473-2713



Defense Technology / Federal Laboratories

07-10-03 Spray Pattern Test Protocol

Objective:

To identify the following spray pattern characteristics for the Guardians 2% Capsaicinoid Bear repellent and Defense Technology's MK-9 Bear repellent: Range, Height of Pattern, Width of Pattern, and Duration of Spray-all to be recorded on video.

Record environmental conditions:

Wind speed: n/a-- interior test range (wind < 3mph)

Temperature: Use thermometer

Spray pattern Testing: Operator will not shake cans unduly before spraying.

Spray Diameter: Measure spray pattern at six different distances (5,10, 15, 20, 25, 30, 35 feet). Spray large sheet of whiter paper at different ranges and measure the spray pattern residue on the paper and measure the spray pattern residue vertically and horizontally. To be recorded on video.

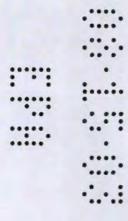
Maximum effective range: Large test target at white paper at 35 feet to record Maximum Range. To be recorded on video.

Spray Duration: Operator will hold a stopwatch in one hand and a can in the other.

Operator will press the button on the stopwatch and the aerosol actuator at the same time.

Operator will spray continuously until can ceases to deliver a useable pattern. To be recorded on video.

Operator will write report on observations and supply video for supporting evidence.



July 16, 2003

Spray Pattern Test Equipment List

Equipment: White freezer paper

Shipping Tape

Tape Measure

Video Cameras

Large surface for end of pattern tests

Stopwatch

Signs with range distances on them

VCR tapes

Allen wrench for FM head

Extra FM heads

Live cans

Tinsel

Staple gun

Extra staples

Rags

Rubber gloves

Extra clothes

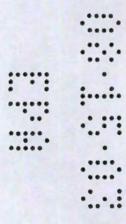
Dawn detergent

Extra shoes

Thermometer

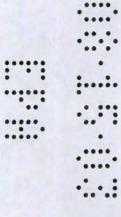
Gas mask

Plywood backing



Record Spray Duration (in seconds): Operator will hold a stopwatch in one hand and a can in the other. Operator will press the button on the stopwatch and the aerosol actuator at the same time. Operator will spray continuously until can ceases to deliver a useable pattern. To be recorded on video.

Can size in grams	1st test (sec)	2 nd Test (sec)	3 rd test (sec)	Ave
180 gram	3.62	3.67	3.87	3.72
380 gram	7.43	6.70	7.67	7.26



UDAP Pepper Power 180 grams

Spray Diameter: Measure spray pattern at six different distances (5,10, 15, 20, 25, 30, 35 feet). Spray large sheet of white paper at different ranges and measure the spray pattern residue on the paper. Measure the spray pattern residue vertically and horizontally. To be recorded on video.

Spray pattern at distance (ft)	height	width	avg. dia
Spray pattern at 5 feet	27	20	23.5
Spray pattern at 10 feet	60	48	54
Spray pattern at 15 feet	56	50	53
Spray pattern at 20 feet	84	90	87
Spray pattern at 25 feet	90	107	98.5
Spray pattern at 30 feet	90	123	106.5
Spray pattern at 35 feet	100	130	115

